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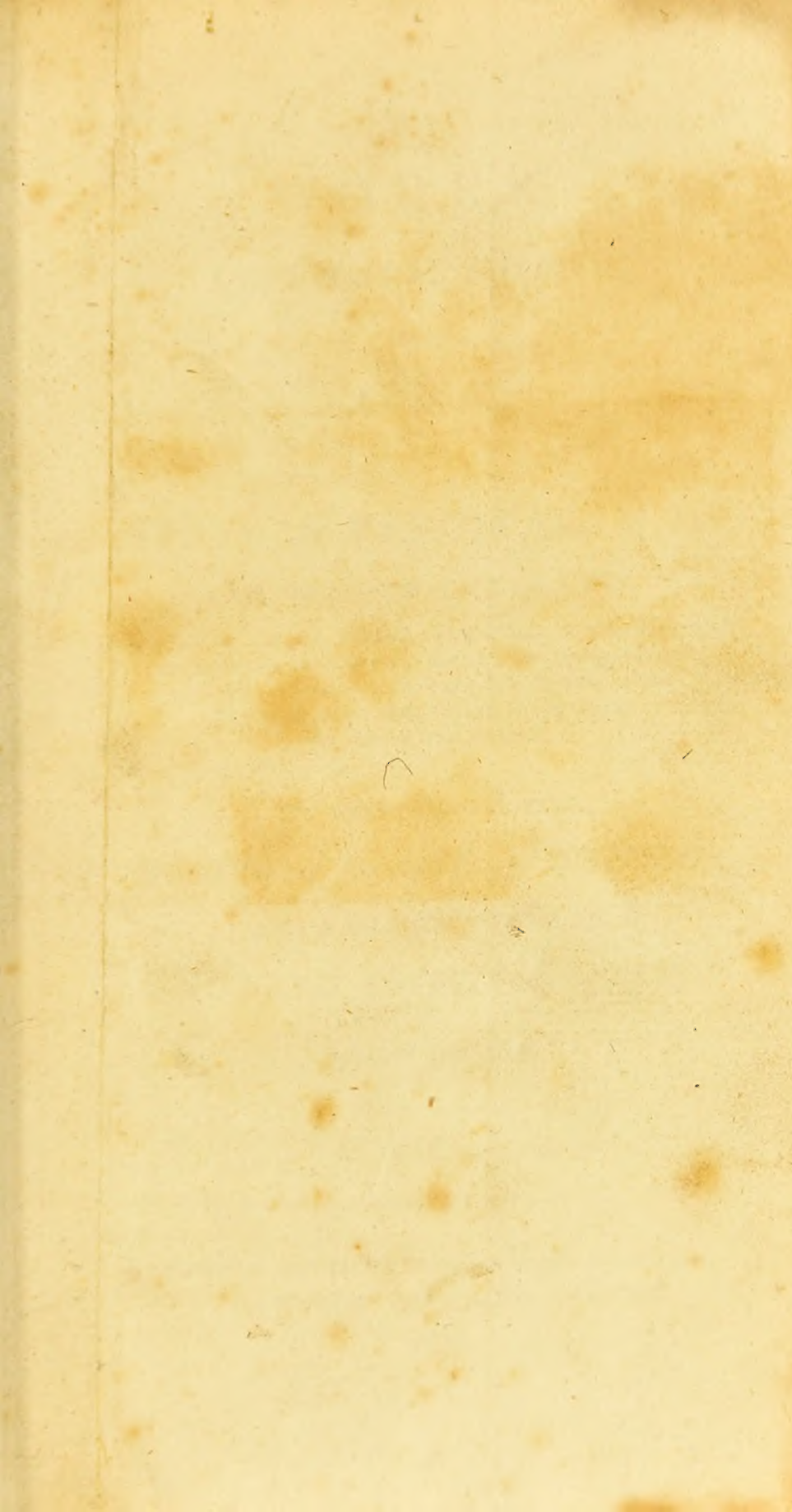
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THE  
WORKS,  
*LITERARY, MORAL,*  
AND  
*MEDICAL,*  
OF  
THOMAS PERCIVAL, M.D.

F.R.S. AND A.S.—F.R.S. AND R.M.S. EDIN.

LATE PRES. OF THE LIT. AND PHIL. SOC. AT MANCHESTER; MEMBER OF  
THE ROYAL SOCIETIES OF PARIS AND OF LYONS, OF THE MEDICAL  
SOCIETIES OF LONDON, AND OF AIX EN PROvence, OF THE  
AMERIC. ACAD. OF ARTS, &c. AND OF THE AMERIC.  
PHIL. SOC. AT PHILADELPHIA.

TO WHICH ARE PREFIXED,  
*MEMOIRS of his LIFE and WRITINGS,*  
AND A SELECTION FROM HIS  
*LITERARY CORRESPONDENCE.*

A NEW EDITION.

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VOL. II.

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PRINTED BY RICHARD CRUTTWELL, ST. JAMES'S-STREET, BATH;  
FOR J. JOHNSON, ST. PAUL'S CHURCH-YARD, LONDON.

1807.

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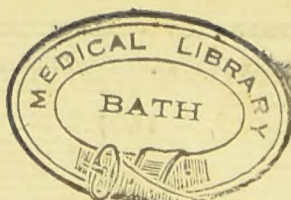
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MORAL AND LITERARY  
DISSERTATIONS:

CHIEFLY INTENDED

AS THE SEQUEL

TO

A FATHER'S INSTRUCTIONS.

“REM TIBI SOCRATICÆ POTERUNT OSTENDERE CHARTÆ.

“—— QUO VIRTUS, QUO FERAT ERROR,”

HOR.



TO THE RIGHT REVEREND

RICHARD WATSON, D. D. F. R. S.

LORD BISHOP OF LANDAFF,

&c. &c. &c.



MY LORD,

**P**ERMIT me again to offer this volume of Moral and Literary Dissertations to your Lordship's acceptance and patronage. The work has been much enlarged; and I shall think myself happy if it continue to be honoured with your indulgence and approbation. I feel a lively sense of the value of your friendship; and venerate those distinguished talents and virtues which you have so uniformly and assiduously exerted in the promotion of science, religion, and liberty. With every affectionate wish for

your Lordship's health, felicity, and the still further extension of your usefulness, and with the most cordial respect and attachment,

I have the honour to be,

My LORD,

Your Lordship's much obliged,

And most faithful humble servant,

THOMAS PERCIVAL.



## THE PREFACE.



IN offering to the public a miscellaneous work like the following, it may be proper to give a brief account of the different parts of which it is composed. The SOCRATIC DISCOURSE was written several years ago, for the use of the author's own family; and a few printed copies of it were distributed amongst his friends. The approbation with which it has been honoured by some of the most judicious of them, has abated his diffidence concerning it; and the desire of rendering his private labours of utility to mankind has induced him to commit it again to the press. It forms the first part of a plan which he has long had in contemplation, of teaching his elder children the most important branches of ethics, viz. VERACITY, FAITHFULNESS, JUSTICE, and BENEVOLENCE, in a *systematic* and *experimental* manner, by EXAMPLES. But various causes have hitherto prevented, and will probably continue to prevent, the completion of his design. He cordially wishes, therefore, that some moralist of more leisure and superior abilities, into

whose hands this little piece may fall, would execute in its full extent what is here so partially and imperfectly attempted.

To promote the love of truth, and to excite an aversion to duplicity and falsehood, are objects which merit the most serious attention in the business of education: and as the minds of children at an early age are incapable of discerning the distinctions and subordinations of moral duty, the rules prescribed to them should be absolute and without exception. But in the more advanced period of youth, observation and reading will necessarily point out many deviations from these rules, not only in the conversation and conduct of their friends, but in the most applauded actions which history records: and when such reflections suggest themselves, it is a proof that the powers of the understanding are unfolded; and that it will be seasonable to graft rational knowledge on the love of virtue. For to obviate error is the first step towards rectitude; and the abuse of reason in our moral judgments too frequently terminates in depravity of principle.

The author has in general given his authorities for the facts which he has related, that historic truth may be distinguished from the fictions, introduced for the sake of illustration: but in the story of the King of Navarre, afterwards Henry IV. of France, they have been unavoidably intermingled. On this point M. Boulard, an advocate of considerable rank at Paris, who has translated the present work into very elegant

French, thus expresses himself: *On a vu qu'il dit dans sa préface qu'il a ajouté quelques faits de son invention, à ce qu'il a raconté de Henri IV. Je pense qu'il auroit été plus convenable de ne pas mêler des fictions à l'histoire.* But the author does not recollect any historical fact, which fully exemplifies the case in question: and the reference to Sully's Memoirs will shew the precise boundary between truth and fiction.

It is well known to the learned, that Socrates gave rise to a new mode of instruction in the schools of philosophy; and that Plato and Xenophon, by recording the moral conversations of their amiable master, excited a taste for dialogue, which has prevailed through all succeeding ages. The mode of exemplification pursued in the present work has necessarily occasioned some deviation from each of these great originals; who are indeed themselves so different as to agree only in one common outline. But the author has copied both in many particulars, especially in the adoption of real characters for the *dramatis personæ*, or speakers in his discourse. How far he has done justice to the talents or opinions of Philocles, it is not for him to determine. But if the sentiments imputed to his late honoured friend be such as he would not have avowed, let it be remembered, that Plato also wrote what Socrates disclaimed;\*

\* The *LYSIS*. When Socrates heard this dialogue of Plato read, in which he supported the principal character, "Gods!" he exclaimed, "how this young man makes me say what I never thought!"



and that the author alone is answerable for whatever he has delivered.

The ESSAYS on the INFLUENCE of HABIT and ASSOCIATION; on INCONSISTENCY of EXPECTATION in LITERARY PURSUITS; on the ADVANTAGES of a TASTE for the GENERAL BEAUTIES of NATURE and of ART; on the ALLIANCE of NATURAL HISTORY and PHILOSOPHY with POETRY; and on the INTELLECTUAL and MORAL CONDUCT of EXPERIMENTAL PURSUITS; have been read before the LITERARY and PHILOSOPHICAL SOCIETY of Manchester, and honoured with a place in their journals. But in these several compositions the discerning reader will perceive evident traits of paternal instruction: and that both in the choice of the subjects, and in the method of discussing them, he has had in view the interests of those in whose improvement he is most nearly and tenderly concerned. They will therefore, he trusts, be deemed no improper sequel to the SOCRATIC DISCOURSE.

The composition of a TRIBUTE to the MEMORY of CHARLES DE POLIER, ESQ; devolved upon him as the friend of the deceased, and officially as PRESIDENT of the very respectable society which appointed this record of his merit. It was written under the impression of heart-felt sorrow, and on that account may perhaps be suspected of exhibiting a picture too strong in its lineaments, and too glowing in its colours. But time, which calms every emotion, and restores the due authority of judgment over imagi-

nation, has made no change in the author's sentiments concerning the character he has drawn; and the insertion of it in this work, whilst it gratifies the feelings of his mind, is perfectly consonant to the general design which he has in view: for it offers a most instructive model to young men, who are animated with the laudable ambition of uniting liberal and polite manners with the more solid attainments of learning and virtue.

The APPENDIX contains such remarks and illustrations, as further reflection or reading have suggested since these Dissertations were written. The author is fully apprized of the peculiar delicacy and difficulty of the moral topics which he has attempted to investigate; and trusts, that he shall always be disposed to acknowledge and to rectify any errors into which he may have fallen. For he deems a return to truth and reason more honourable than the possession even of infallible judgment; and sincerely adopts the sentiment of a celebrated writer, “that the man  
“ who is free from mistakes can pretend to no praise,  
“ except what is derived from the justness of his understanding; but that he who corrects his mistakes,  
“ displays at once the justness of his understanding,  
“ and the candour of his heart.”

MANCHESTER, *September 20, 1788.*



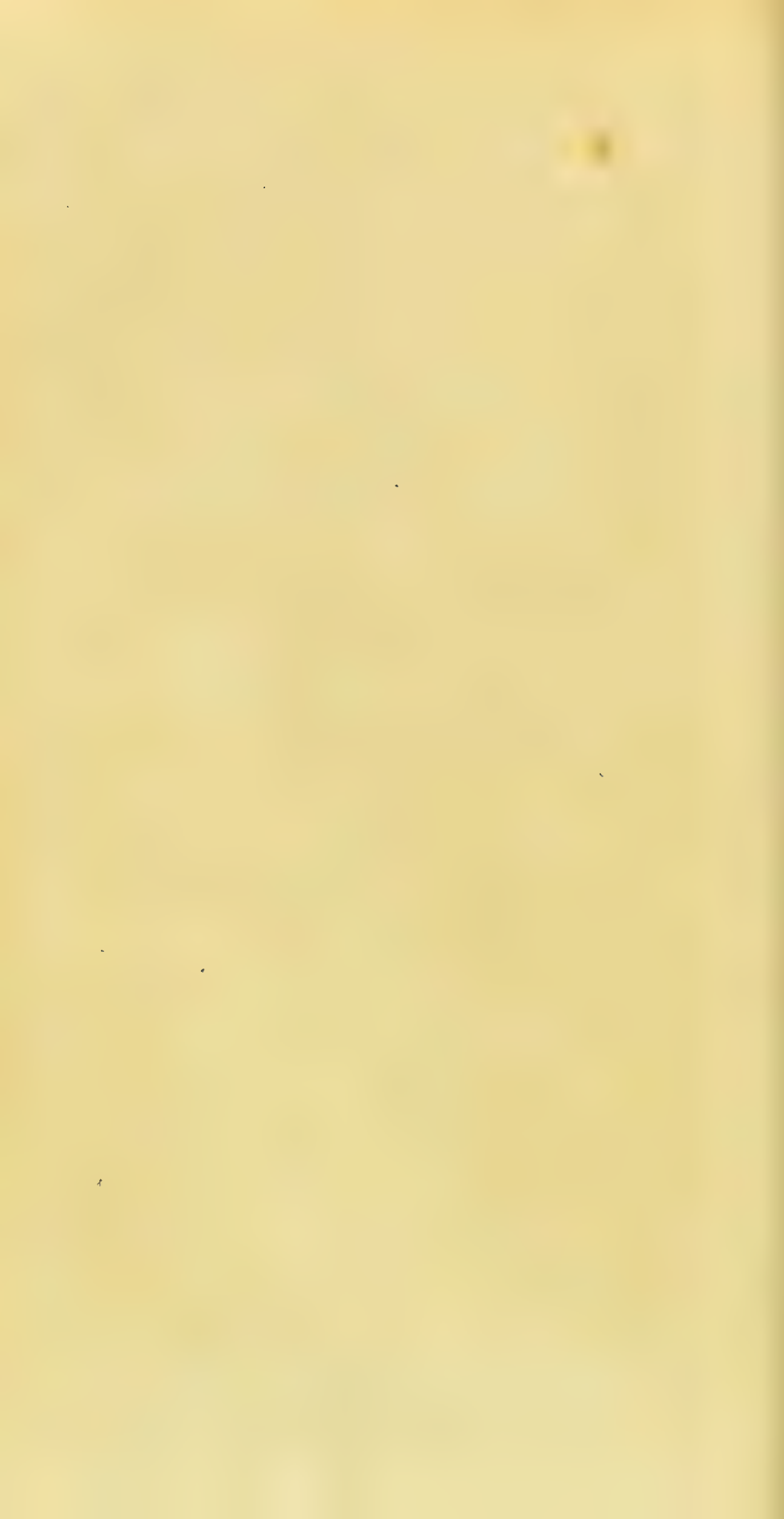


A  
SOCRATIC DISCOURSE  
ON  
TRUTH.



INTER SILVAS ACADEMI QUÆRERE VERUM.

HOP.



A  
SOCRATIC DISCOURSE  
ON  
TRUTH.

---

TO  
T. B. P.

YOU have often been a witness, my dear Son, of the pleasure experienced by me in the recollection of the Academical years which I passed at —, in the pursuit of general science, before I engaged in my professional studies at the university of —: and you have no less frequently heard me express the highest veneration for the profound learning and exalted character of Philocles, under whose tuition the charms of knowledge first attracted my regard. I have lately revisited those scenes so delightful to my youth; but, leaving to your conception the emotions which I felt, I shall relate to you a SOCRATIC CONVERSATION that occurred there in my presence, between Philocles and your kinsman Sophron. This amiable youth, who is likely to reflect a lustre on the sacred office, to which, I trust,



he will ere long be called, had been reciting to his professor an academical composition on the importance of TRUTH, and on the folly, infamy, and baseness of LYING and DECEIT: and, when he laid down the book, Philocles expressed an earnest wish, that such sentiments might ever influence the heart, and direct the conduct of his pupil. But general rules, continued he, are insufficient for our government in the diversified and complicated occurrences of life: and, if we be ambitious of acting with wisdom, honour, and virtue, it is necessary that we should make ourselves acquainted with the various branches and subordinations of each moral duty. Let us, therefore, take a particular view of TRUTH, and of her inseparable companion FAITHFULNESS. You are no novice in these subjects; and Euphronius, I am persuaded, will be pleased to hear you exercised in the discussion of them.

I presume you will concur with me in opinion, that MORAL TRUTH is the *conformity of our expressions to our thoughts*; and FAITHFULNESS, *that of our actions to our expressions*: And that LYING or FALSEHOOD is generally a mean, selfish, or malevolent, and always an unjustifiable, endeavour to deceive another, by signifying or asserting that to be truth or fact, which is known or believed to be otherwise; and by making promises, without any intention to perform them.

But if we believe our assertions or signs to be true, and they should afterwards prove to be false, tell me, Sophron, are we then guilty of lying?

No, replied Sophron; we shall have committed only an error or mistake: for under such circumstances we must have been deceived ourselves, and could have had no design of imposing upon others?

But is every breach of promise a lie, continued Philocles?

I should think not, answered Sophron, if the promise were made with sincerity, and the violation of it be unavoidable.

Your distinction is just, said Philocles; and there are also certain conditions, obvious to the general sense of mankind, understood or implied in almost every promise, on which the performance must depend. Whang-to, emperor of China, who governed his people like a father, and regarded his own elevation and power as trusts delegated for their good, had a daughter who was his only child, and the darling of his old age. He promised her in marriage to Oufan-quey, the son of his favourite mandarine; and that he would bequeath to him all his dominions as her dowry. Oufan-quey was at that time a youth of the most promising abilities and dispositions; but the prospect of royalty, and the adulation of a court, soon corrupted his heart. He became haughty, insolent, and cruel; and the people anticipated, with horror, the tyranny which they must endure under his government. By the institutions of the Chinese, the great officers of state may remonstrate to the emperor, when his decrees are injurious to the public interest; and this privilege has often tended to abate

the rigour of despotism. Whang-to heard, with grief and astonishment, the complaints of his mandarines against Oufan-quey. He summoned him into his presence; and being satisfied with the proofs of his demerit, he addressed the officers of state in the following terms: “ I engaged my daughter in marriage, “ and promised the inheritance of my dominions, to “ Oufan-quey, a youth who was wise, humane, and “ just. In departing from virtue, he has cancelled “ these obligations, and forfeited his title to both.” Then turning to Oufan-quey, he said, “ I command “ you to retire from my court, and to pass the remainder of your days in the most distant province “ of my empire.”

But is it not deemed peculiarly honourable, Sophron, to perform a promise, when passion or self-interest strongly incites us to the violation of it?

Nothing raises our admiration higher, said Sophron; and I beg leave to relate to you a story, which places this truth in a very striking point of view. A Spanish cavalier, without any reasonable provocation, assassinated a Moorish gentleman, and instantly fled from justice. He was vigorously pursued; but availing himself of a sudden turn in the road, he leaped, unperceived, over a garden wall. The proprietor, who was also a Moor, happened to be at that time walking in the garden; and the Spaniard fell upon his knees before him, acquainted him with his case, and in the most pathetic manner implored concealment. The Moor listened to him



with compassion, and generously promised his assistance. He then locked him in a summer-house, and left him, with an assurance that, when night approached, he would provide for his escape. A few hours afterwards, the dead body of his son was brought to him; and the description of the murderer exactly agreed with the appearance of the Spaniard, whom he had then in custody. He concealed the horror and suspicion which he felt; and retiring to his chamber, remained there till midnight. Then, going privately into the garden, he opened the door of the summer-house, and thus accosted the cavalier: "Christian," said he, "the youth whom you have murdered was my only son. Your crime merits the severest punishment. But I have solemnly pledged my word for your security; and I disdain to violate even a rash engagement with a cruel enemy." He conducted the Spaniard to the stables, and furnishing him with one of his swiftest mules, "Fly," said he, "whilst the darkness of the night conceals you. Your hands are polluted with blood; but God is just; and I humbly thank Him that my faith is unspotted, and that I have resigned judgment unto Him."\*

When Sophron had finished this narrative, I took the liberty of observing that Faithfulness is a virtue, which we sometimes meet with in very abandoned characters, who are neither influenced by a sense of religious nor of moral obligation. In such persons it

\* See *Histor. Mirror*.

is founded on certain ideas of HONOUR, which originally spring from the best natural principles.\* After the battle of Culloden, in the year 1745, a reward of thirty thousand pounds was offered to any one, who should discover or deliver up the young Pretender. He had taken refuge with the Kennedies, two common thieves; who protected him with fidelity, robbed for his support, and often went in disguise to Inverness to buy provisions for him. A considerable time afterwards, one of these men, who had resisted the temptation of thirty thousand pounds, was hanged for stealing a cow, of the value of thirty shillings.†

But I apprehend, resumed Sophron, with much modesty, that there are cases in which it would be more culpable to fulfil than to violate a promise.

To this proposition Philocles gave his full assent, and illustrated it by the following supposititious case. A brace of loaded pistols have been left in my hands by a friend, to whom I have engaged to restore them, whenever he shall make the demand. But if he claim them when intoxicated with liquor, or mad with passion and resentment, it is evident that the performance of my promise would not only be weak, but extremely reprehensible: and my friend himself, in his calm and sober moments, would be amongst the first to charge me with all the mischiefs occasioned by my erroneous sense of duty. Hasty declarations and rash asseverations are sometimes made

\* Vide Appendix, sect. i.      † See Pennant's Tour in Scot.

by good men, who cannot however reasonably or conscientiously fulfil them. When JESUS had washed the feet of several of his disciples, he came to Simon Peter: *And Peter said unto him, Lord, dost thou wash my feet? JESUS answered and said, what I do thou knowest not now; but thou shalt know hereafter. Peter said unto him, thou shalt never wash my feet! JESUS answered him, if I wash thee not, thou hast no part with me. Simon Peter said unto him, Lord, not my feet only, but also my hands and my head.\** Nor can even vows, however solemn, be binding, when the object of them is the commission of a crime: for though appeals to the Deity are sacred pledges of our sincerity, they make no change in the nature or legality of actions; and it would be the grossest superstition to suppose, that the violation of God's ordinances can either be honourable or acceptable to Him.† David, in revenge for an insult offered him by Nabal, vowed that he would put to the sword every male of his family. But his wrath was afterwards appeased; and he became so sensible of the injustice of his design, that he said, *Blessed be the LORD who has kept his servant from evil.‡*

It should seem, that the Roman emperor Trajan thought it might be criminal in his officers, under certain circumstances, to maintain the allegiance which they had sworn to him.¶ On the appointment of Suberanus to be captain of the royal guard,

\* John, chap. xiii.

† See Appendix, sect. ii.

‡ 1 Sam. xxv. 22.

¶ See Appendix, sect. iii.

he presented him with a sword, as the badge of his fealty, saying, “ Let this be drawn in my defence, if  
 “ I rule according to equity; but if otherwise, it may  
 “ be employed against me.”\*

The conclusion concerning the observance of promises may be extended to Veracity, notwithstanding the extravagant declaration of one of the Fathers, “ that he would not violate truth, though he were  
 “ sure to gain heaven by it.” Whenever, from the concurrence of extraordinary circumstances, the practice of one virtue is rendered incompatible with the performance of another of much higher obligation, it is evident that the inferior must yield to the superior duty. An example will elucidate and evince the justness of this observation.

After the horrid massacre of the Huguenots in France, which began on St. Bartholomew’s day 1572, the King of Navarre was very rigorously guarded, by the order of the Queen-mother, Catherine de Medicis. But one day, when he was hunting near Senlis, during the heat of the chase, he seized a favourable opportunity of making his escape; and galloping through the woods, with a few faithful friends, amongst whom was young Rosny, afterwards Duke of Sully, he crossed the Seine at Poissy,† and fled to the castle of a nobleman, who was a zealous though secret Protestant, and strongly attached to his interest. Troops of horse were soon dispatched different ways

\* Pliny.

† See Sully’s Memoirs; and also the Preface to this Work.



in pursuit of him. One of these detachments stopped at the gates of the castle, where Henry was then refreshing himself; and the captain demanded permission to search for him, shewing the royal mandate to bring the head of Henry, and to put his attendants to the sword. Resistance was evidently vain; and compliance would have been a breach of hospitality, friendship, and humanity; at the same time that it must have proved fatal to the interests of the reformed religion, and to the whole body of Protestants in France, who had no other protector than the King of Navarre. The nobleman therefore, without hesitation, and with an undaunted countenance, instantly said, "Waste not your time, sir, in fruitless searches. "The King of Navarre, with his friends, passed this way about two hours ago; and if you set spurs to your horse, you will overtake him before the night approaches." The captain and his troop, satisfied with this answer, rode off at full speed; and the King was then left at liberty to provide for his safety, by disguising himself, and taking a different route.

Under such circumstances as you have described, all mankind, observed Sophrion, would condemn a strict adherence to TRUTH.\* But what do you think of the conduct of the Portuguese slave, whose

\* "Infani sapiens nomen ferat, æquus iniqui,  
"Ultra quam satis est virtutem si petat ipsam."

Hor. Ep. VI. lib. i. ver. 15.

"That which being done admits of a rational justification, is the essence, or general character, of a MORAL DUTY."—Dialogue concerning Happiness, by James Harris, esq; p. 175.

breach of veracity, and even perjury, is extolled by Abbé Raynal, in his History of the European Settlements? This negro, who had fled into the woods to enjoy the liberty which was his natural right, having learned that his old master was arrested, and likely to be condemned for a capital crime, came into the court of justice; assumed the guilt of the fact; suffered himself to be imprisoned; brought false, though judicial proofs of his crime; and was executed instead of his beloved master.

The disapprobation of falsehood, in this instance, answered Philocles, is suppressed for a while, by our admiration of the affection, gratitude, generosity, and greatness of mind, displayed by the negro. We lament the bondage of such a hero; and regret that his exalted virtues were not displayed on a more important and honourable occasion. But when these first emotions are over, and we dispassionately reflect on the conduct of the slave, we must condemn it as

“The right to truth may be forfeited in particular cases, as by one who hath formed a design to kill another, and if not hindered, will probably accomplish his wicked purpose. Neither the person whose life is aimed at, should he save himself by a lie, nor any one who should tell an officious lie for him, will be guilty of the least injustice to him whom by this means they keep from perpetrating the mischief intended. Instead of a wrong, it is a kindness.”—Grove’s Moral Philosophy, vol. ii. p. 415.

“Adhering to the ordinary rules of duty, in these extraordinary cases, may sometimes occasion greater evils to our country, or to mankind, than all the virtues any one mortal can exert, will repair.”—Hutcheson’s Moral Philosophy, vol. ii. 4to. p. 117. See a farther discussion of this subject in the Appendix, sect. iv. Consult also Genesis, chap. xii.

an unjustifiable sacrifice of truth, of his own life, and of the duty which he owed to society.\* The divine command, *Thou shalt not bear false witness AGAINST thy neighbour*, cannot surely be supposed to imply that we may bear *false witness in his FAVOUR*; because this would be to forbid private injury, and to authorize public wrongs. Judicial testimony, in the present circumstances of the moral world, is essential to the well-being of society; and to lessen the general credibility of it, by introducing into courts of law falsehood and perjury, is a high crime against the state, and severely punished in all countries which have emerged from barbarism. Besides, the good of the community requires that justice should be executed on the offender himself, to prevent him from committing other crimes: and it would give encouragement to vice, if an innocent person, perhaps tired of life, or influenced by enthusiastic notions of honour, friendship, or love, might suffer for another who is guilty.

The certainty of punishment, even in misdemeanors, is strongly urged by the Marquis de Beccaria, the great advocate for judicial lenity; and he thinks the forgiveness of the injured party himself should not interrupt the execution of justice. “This may be an act of good-nature and humanity,” he observes, “but it is contrary to the good of the public. For although a private citizen may dispense with satisfaction for his private injury, he cannot remove the

\* See Appendix, sect. iv.

“ necessity of public example. The right of punishing  
“ belongs not to any individual in particular, but to  
“ the society in general, or the sovereign who represents that society; and a man may renounce his  
“ own portion of this right, but he cannot give up  
“ that of others.”

The conduct of the negro, said Sophron, however erroneous it might be in point of wisdom, or unjustifiable with respect to its morality, was perfectly generous and disinterested. But the same elegant writer who records this fact has related another example of the violation of truth, from motives purely *selfish*, which I cannot condemn, though I know not how to justify. I will endeavour to recollect, and to repeat the story. A British serjeant was taken prisoner by the savages in America, who prepared themselves to put him to death, with all the barbarity which their skill in torture could invent. Shocked with the view of the horrid sufferings which awaited him, he thus addressed the Indians: “ Mighty warriors, your preparations are vain, for my body is invulnerable; “ and if you will set me at liberty, I will teach you “ how to become so. Think not that I impose upon “ you by false pretensions. I am willing that you “ should try upon me an experiment, which may “ satisfy your doubts. Let the chief who holds my “ hanger now strike with all his force. I equally “ defy the sharpness of the instrument, and the “ strength of his arms.” Whilst he was saying these words, he bent his head, and laid bare his neck. The



Indian eagerly advanced, and by one furious blow severed the head from the body. Thus the poor serjeant, by his presence of mind, exchanged lingering tortures for an easy and instantaneous death.

Euphronius here remarked, that the story is of doubtful authority, by the confession of the Abbé himself. But admitting the truth of it, continued he, for the sake of argument, what moralist can be so rigid as not to deem the conduct of the serjeant at least excusable? Perhaps no man, in similar circumstances, would have acted differently, if he possessed sufficient composure to devise, or address to practise, such an expedient. The case is not analogous to that of martyrdom for religion. The horrid sufferings to be endured in this instance could answer no good end; and society received not the least injury, either immediate or remote, by the evasion of them.

Recollecting an historical fact of unquestionable truth, and strictly applicable to the point in debate, I requested permission to relate it. When Columbus and his crew were cast away on an island, more than thirty leagues from Hispaniola, nothing remained to them in prospect, but to end their miserable days with naked savages, far from their country and their friends. To add to these calamities, the natives began soon to murmur at the residence of the Spaniards amongst them; the support of whom became burdensome to men ignorant of agriculture, and unaccustomed to exertion or industry. They brought in provisions with reluctance, furnished them spa-

ringly, and even threatened entirely to withhold them. Such a resolution must have occasioned inevitable destruction to the Spaniards; but Columbus prevented it by a happy device, that revived all the admiration and reverence with which the Indians first regarded these strangers. By his skill in astronomy he knew there was shortly to be a total eclipse of the moon. On the day before it happened, he assembled the principal persons of the district, and after reproaching them for their defection from those whom they had lately revered, he told them that the Spaniards were servants of the Great Spirit, who dwells in heaven: that, offended at their refusal to support the objects of his peculiar favour, the Deity was preparing to punish their crime with exemplary severity; and that the moon should be darkened that very night, and assume a bloody hue, as a sign of the Divine wrath, and an emblem of the vengeance ready to fall on them. To this marvellous prediction some of the barbarians listened with careless indifference; others, with credulous astonishment: but when the moon began gradually to withdraw her light, and at length appeared of a red colour, all were struck with terror. They ran with consternation to their houses, and returning to Columbus loaded with provisions, threw them instantly at his feet, conjuring him to intercede with the Great Spirit, to avert the destruction with which they were threatened. Columbus, seeming to be moved by their entreaties, promised to comply with their desire. The eclipse went off, the

moon recovered its splendour; and from that time the Spaniards were not only furnished profusely with provisions, but treated with the most superstitious attention.\* This solemn deceit of Columbus may be justified by the rights of necessity. Shipwrecked on a distant coast, in the prosecution of an enterprize, which in his mind appears to have originated from honourable and useful views, and destitute of every means of supplying himself and his associates with sustenance, he had a claim to the protection, assistance, and support of the people who were spectators of his calamity: and it was a happy fertility of genius, which suggested to him an expedient far preferable to the force of arms. But I feel a secret wish that this truly great man had mixed less of falsity with his artifice. He might have reprehended the Indians for their want of hospitality, alarmed their fears by his prediction, and excited their wonder and reverence by its fulfilment, without denouncing in such unguarded terms the immediate vengeance of Heaven. Truth is so important, and of so delicate a nature, that every possible precaution should be employed to extenuate its violation, although the sacrifice be made to duties which supersede its obligation.

Philocles very obligingly thanked me for recalling to his memory so pertinent a fact. He then turned to his pupil, and asked him what he thought of the maxim, which some persons have adopted, “that  
“faith is not to be kept with rogues or traitors.”

\* See Robertson's History of America, vol. i. book ii.

I think the maxim, replied Sophron, false in itself, and highly injurious to society. For, independent of the licentiousness and cruelty to which it might give rise, a man owes to his own honour and peace of mind, except on very extraordinary occasions, the strict performance of his promise. And this opinion seems to have influenced the conduct of the great Viscount Turenne, and of Sir Richard Herbert. The former was attacked one night by robbers near Paris, who stripped him of his money, watch, and rings. He engaged to give them a hundred *louis d'ors*, if they would return him a ring, of little intrinsic worth, but on which he set a particular value. The highwaymen complied; and one of them had the boldness to go to his house the succeeding day, and in the midst of a large company to demand, in a whisper, the performance of his promise. The Viscount gave orders for the money to be paid; and suffered the villain to escape, before he related the adventure.\*

Sir Richard Herbert, being sent by Edward the Fourth to reduce certain rebels in North-Wales, laid siege to Harlech castle, in Merionethshire; a fortress so strong, that he despaired of taking it but by blockade and famine. The captain of it offered to surrender, on condition that Sir Richard *would do what he could to save his life*. The condition was accepted; and Sir Richard brought the commander to the King, requesting his Majesty to grant him a pardon, as the expectation of this favour had induced him to yield

\* See Ramsay's Life of Turenne.



up an important castle, which he might have defended. Edward replied to Sir Richard Herbert, "That as  
 " he had no power by his commission to pardon  
 " any one, he might therefore, after the representa-  
 " tion hereof to his Sovereign, deliver him up to  
 " justice." Sir Richard Herbert answered, "He  
 " had not yet done *the best he could for him*; and  
 " therefore most humbly desired his highness to do  
 " one of two things; either to put him again  
 " in the castle where he had been, and command  
 " some other to take him out; or, if his highness  
 " would not do so, to take his life for the captain's,  
 " that being the last proof he could give, that he had  
 " used his utmost endeavour to fulfil his promise."  
 ' The King, finding himself so much urged, pardoned  
 the captain, but bestowed on Sir Richard Herbert no  
 " other reward for his service."\*

These gentlemen, said Philocles, displayed a delicate sense of honour; and though I am dubious, whether the conduct of Monsieur Turenne has the sanction of the great Roman casuist,† yet, according to my judgment, both he and Sir Richard Herbert acted conformably to the laws of reason and rectitude. For every *lawful* promise, made by one possessing presence of mind, and the free use of reason, no event or consideration succeeding, which an unbiassed under-

\* See the Life of Lord Herbert of Cherbury.

† "Si prædonibus pactum pro capite pretium non attuleris, nulla  
 " fraus est, ne si juratus quidem id non feceris."—Cic. de Off.  
 Eb. iii. cap. 29.

standing would deem sufficient to render it *unlawful*, ought to be religiously observed.\* But promises, extorted by fear, and that clearly contravene our duty to society, are void in themselves. Thus an engagement made with sincerity, under the strong impressions of terror, to a highwayman or murderer, not to bear testimony against him, can be of no validity; because there subsists an antecedent claim of the community, which cannot be dispensed with by any of its members. I have supposed the engagement to be sincere; for if entered into with a previous design of violation, a breach of truth and faithfulness is in some degree committed, notwithstanding its injustice or illegality.

But when you deliver to another as a certain truth what you believe to be false, are you guilty of lying, should it afterwards prove to be true?

Yes, answered Sophron; because my intention is to deceive, and to make a supposed falsehood pass for truth. Chian-fu was an officer in the guards of the emperor of Japan. He had formed a tender connection with one of the ladies of the court, and was on the point of marriage, when a formidable insurrection in a distant island of the empire, occasioned by the tyranny and cruel exactions of the government, obliged him to leave the capital without delay, to assume his post in the royal army. The war was protracted through various causes; and he bore with great impatience so long an absence from his mistress.

\* See Grove's Moral Philosophy..

By the influence of a bribe, he obtained permission from the commander in chief to return to Jeddo for a few weeks, during which time he hoped to celebrate his nuptials. But dreading lest the emperor should resent his desertion of the army at so critical a conjuncture, he pretended that he brought tidings from the general, of an important advantage gained over the enemy, which was likely soon to be succeeded by a complete victory. These accounts were founded on probability, not on truth; his falsehoods, however, procured him the most favourable reception at court. He married the lady; and after a week spent in festivity, prepared for his departure to join the army. An express at this time arrived, with the news of the entire defeat of the insurgents; but no mention was made of any previous dispatches by Chian-fu. The emperor suspected that he had been guilty of deceit. He was strictly examined, confessed his crime, and the motives of it; and was condemned to suffer immediate death. For lying is a capital offence, by the laws of Japan.

If truth, resumed Philocles, be an agreement between our words and thoughts, are you under an obligation to express all your thoughts?

No, said Sophron, prudence often forbids it; and it is no violation of truth to conceal those thoughts, or that knowledge, with which another has no right to be acquainted. On a particular occasion, the Jews demanded of Jesus, *What sign shewest thou unto us?* Jesus answered and said, *Destroy this temple, and*

*in three days I will raise it up. Then said the Jews, Forty and six years was this temple in building, and wilt thou rear it up in three days? But he spake of the temple of his body. When therefore he was arisen from the dead, his disciples remembered that he had said this unto them.\**

Sometimes, when improper or treacherous questions are asked, silence would be no less dangerous than an explicit declaration of our sentiments. In these cases we shall be justified in the use of such evasions as do not contradict the truth. When the chief priests and scribes inquired of our Saviour, whether it was lawful to pay tribute unto Cæsar? *He perceived their craftiness, and said unto them, Why tempt ye me? Shew me a penny: whose image and superscription hath it? They answered and said, Cæsar's. And he said unto them, Render unto Cæsar the things which be Cæsar's, and unto God the things which be God's. And they could not take hold of his words before the people: and they marvelled at his answers, and held their peace.*

Under the reign of the cruel and bigoted queen Mary, the princess Elizabeth, her sister, suffered a variety of persecutions on account of her steady attachment to the Protestant religion. It is said she was one day interrogated concerning the LORD'S-Supper, and that she returned the following prudent and evasive answer:

“CHRIST was the word that spake it;

“He took the bread and brake it;

\* John ii. 18.



“And what the word did make it,  
 “That I believe and take it.”\*

Philocles expressed much satisfaction in the judicious distinction which his pupil had made, and observed, that the conduct of the princess Elizabeth is fully justified by the example of the apostle Paul, in circumstances not very dissimilar. The Athenians had a law, which rendered it capital to promulgate any new divinities.† And when Paul preached to them JESUS and the RESURRECTION, he was accused of having broken this law, and of being a *setter forth of strange gods*; and was carried before the Areopagus, a court of judicature, which took cognizance of all criminal matters, and was in a particular manner charged with the care of the established religion. An impostor, in such a situation, would have retracted his doctrine, to save his life; and an enthusiast would have sacrificed his life, without attempting to save it by innocent means. But the Apostle wisely avoided both extremes; and availing himself of an inscription, “TO THE UNKNOWN GOD,” which he had seen upon an altar in the city, he pleaded in his own defence, *Whom ye ignorantly worship, him declare I unto you*. By this presence of mind he evaded the law, and escaped condemnation, without departing from the truth of the Gospel, or violating the honour of God.‡

\* Walpole's Cat. of Royal and Noble Authors.

† Socrates suffered under this law.

‡ Vide Acts xvii. 23. Also Lord Lyttelton's Observations on the Conversion and Apostleship of St. Paul.

Though I am no general admirer, continued Philocles, of the maxims of morality delivered by Lord Chesterfield, yet I think his remarks on the present subject peculiarly worthy of attention. “The prudence and necessity,” says the noble author, “of frequently concealing the truth, insensibly seduces people to violate it. It is the only art of mean capacities, and the only refuge of mean spirits. Whereas concealing the truth upon proper occasions is as prudent and as innocent, as telling a lie upon any occasion is infamous and foolish. I will state you a case in your own department. Suppose you are employed at a foreign court, and that the minister of that court is absurd or impertinent enough to ask you what your instructions are; will you tell him a lie, which, as soon as found out, and found out it certainly will be, must destroy your credit, blast your character, and render you useless there? No. Will you tell him the truth then, and betray your trust? As certainly, No. But you will answer with firmness, ‘That you are surprized at such a question; that you are persuaded he does not expect an answer to it; but that at all events he certainly will not have one. Such an answer will give him confidence in you; he will conceive an opinion of your veracity, of which opinion you may afterwards make very honest and fair advantages.’”

Philocles proceeded to interrogate his pupil, whether falsity, when in jest, is to be deemed a lie? But

Sophron declined the question, as too nice for his decision, and desired to hear the sentiments of Philocles, who delivered them in the following terms. Wit and irony, raillery and humour, are often deviations from the strict rules of veracity: but they are allowed by common consent; and, under proper restrictions, they contribute to enliven conversation, and to improve our manners. But jocularità is certainly culpable, and may be deemed a species of lying, when it is intended to deceive without any good end in view; and especially with the ungenerous one of diverting ourselves at the painful expence of another. The practice also may lead to more criminal falsehoods; and it is related with honour of Aristides, that he held truth to be so sacred, *ut ne joco quidem mentiretur*.

Some jocular lies have produced the most serious and affecting consequences; of which I will give you an example or two, in the youthful frolics of Hilario, a nobleman who now looks back with sorrow and regret on the sufferings occasioned by his levity. When he was a student at Cambridge, he went at midnight crying *fire! fire!* to the chamber door of one of the fellows of ———, a gentleman universally admired for his literary and poetical abilities, but who was of a timid and melancholy disposition. The gentleman, awaked out of a sound sleep, and attentive only to the first suggestions of fear, leaped through the window at the hazard of losing his life by the fall. Not long after this transaction, Hilario went up to London; and dining in a mixed company

of persons of fashion, he happened to sit near a grave old gentleman, who took the first opportunity of making particular inquiries concerning a youth, then at Cambridge, whom he knew to be intimately acquainted with this nobleman. Hilario instantly suspected that the serious Don was a rich uncle of his friend, and determined that he would give such an account of the nephew, as should occasion a solemn letter of reproof, over which he hoped to regale himself on his return to college. He therefore jocularly said, that his companion was a fine jolly fellow, always forming connections with the girls; that he loved to rattle the dice; and that he had lately lost his next quarter's allowance, which would lower his courage at play for some time to come. From the alteration which he perceived in the stranger's countenance, he was assured of the success of his *hum*, an absurd term given to this shameful kind of lie: and when he got back to Cambridge, he hastened to the apartment of his friend, to enjoy the laughter which he should raise at his expence. But how was he shocked to find him in the delirium of a fever, occasioned by a billet, which had been delivered the preceding day, purporting, "That Lucinda had just bestowed her hand upon a person much more deserving of her affections, than he had been represented to her father by Hilario, his associate in pleasure, extravagance, and profligacy."

By such thoughtless and unjustifiable violations of truth, Hilario was often wounding his own peace of



mind, and involving his connections in distress. He was, however, at length compelled to correct this criminal habit, through the horror which he felt on having given rise to a fatal duel between two brothers, by jocularly insinuating to one of them, that he was rivalled in the affections of his mistress by the other.

It would be happy, said I, if we could ascertain the restrictions under which these sallies of frolic and jocularity may be indulged with innocence. One general rule may, I think, be admitted, that the entertainment which we thus create to ourselves, should be such only as will be a future subject of mirth even to those who are the present sufferers by it. But to use the words of an excellent moralist, “as every  
“action may produce effects, over which human power  
“has no influence, and which human sagacity cannot  
“foresee; we should not lightly venture to the verge  
“of evil, nor strike at others, though with a reed,  
“lest, like the rod of Moses, it become a serpent in  
“our hands.”\*

Philocles now pursued the subject, by inquiring into the nature of EQUIVOCATION; which Sophron defined to be a mean expedient to avoid the declaration of truth, without verbally telling a lie. An equivocation, said he, consists of such expressions as admit of more than one meaning. The speaker uses them in one sense, and designs that the hearer should understand them in another. Cicero mentions a certain person,

\* Dr. Hawksworth.

who made a truce with the enemy for thirty days, and treacherously evaded his agreement by laying waste the country during the nights; alleging, that the truce was for so many *days*, not nights.\* Such an equivocation as this has all the guilt and infamy of a lie; but I do not feel myself inclined to condemn the duplicity practised by a gentleman on the following occasion. He was returning home from the assizes at York, and was attacked on the road by a highwayman, to whom he delivered a small purse of money. The robber told him that he should not be satisfied with a few guineas, and sternly demanded the sum which he knew he had received, and then carried about him. The gentleman, with great apparent terror, drew out of his pocket a leathern bag, and giving it to the highwayman, said, "*Take what you want, but spare my life.*" The robber eagerly received it, and was transported with the value of his acquisition. He rode off with it through bye lanes, till he arrived at a place of security. There he stopped to examine his booty, which to his astonishment he found to consist only of a quantity of halfpence, together with a copy of the dying speech and earnest exhortations of a malefactor, who had been executed the preceding day for robbery.

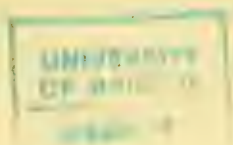
Can you acquit me, Philocles, said I, of the criminality of equivocation, when in the exercise of my professional duties, I study, by cheerful looks and ambiguous words, to remove from my patients the

\* Vid. Cicero de Officiis, lib. i. cap. 13.

horrors of despair, to mitigate the apprehensions of danger, and to deceive them into hope; that by administering a cordial to the drooping spirit, I may smooth the bed of death, or revive even expiring life? For there are maladies which rob the philosopher of fortitude, and the Christian of consolation.

From my heart I acquit you, answered Philocles, with his wonted humanity. You do a kindness, not a wrong, to the person whom you thus deceive; and may reasonably presuppose his future approbation of that conduct, which meets with the present acquiescence of all his friends. The amiable and elegant Pliny, who had the nicest sense of honour, recites with applause, in a letter to Nepos, a story, which may perhaps contribute to satisfy your mind, and remove your scruples.

The husband of the celebrated Arria, Cæcinnæ Pætus, was very dangerously ill. Her son was also sick at the same time, and died. He was a youth of uncommon accomplishments, and fondly beloved by his parents. Arria prepared and conducted his funeral in such a manner, that her husband remained entirely ignorant of the mournful event which occasioned that solemnity. Pætus often inquired with anxiety about his son; to whom she cheerfully replied, that he had slept well, and was better. But if her tears, too long restrained, were bursting forth, she instantly retired to give vent to her grief; and when again composed, she returned to Pætus with dry eyes and a placid countenance, quitting, as it were, all the



tender feelings of the mother at the threshold of her husband's chamber.\*

But addressing himself to Sophron, is it not a species of equivocation, and a breach of faithfulness, continued Philocles, when we do not perform our promises, according to the plain and obvious meaning of them?

Without doubt it is, answered Sophron. The moralist whom I before quoted, relates, that ten Romans, who had been taken in the battle of Cannæ, were sent by Hannibal to the senate, to propose an exchange of prisoners. Before they set out, each of them engaged, by an oath, to return to the camp of the Carthaginians, if the embassy should prove ineffectual. The senate rejected the offers of Hannibal, and nine of the prisoners honourably rendered themselves up to him; but the tenth refused to return, on pretence that he had already discharged himself of his oath. For it seems that he went back to the camp of the Carthaginians soon after he quitted it, to fetch some necessaries, which he had designedly left behind, that he might be able to plead his having complied literally with the terms of his engagement. But the senate disdained the deceit, and commanded the artful wretch to be sent bound to Hannibal.

Mental and other private reservations neither absolve nor even extenuate the guilt of lying. When the unfortunate Mary, queen of Scotland, was married to the dauphin of France, the king, his father,

\* Plin. Epist. XVI. lib. iii.



solemnly ratified every article insisted upon by the Scotch parliament, for preserving the independence of their nation, and for securing the succession of the crown to the house of Hamilton. But Mary by his persuasion had antecedently and privately subscribed three deeds, by which she consigned the kingdom of Scotland, on failure of her own issue, to his family; declaring all her promises to the contrary to be void.\* The remark of Bishop Taylor may be adopted, as the best comment on transactions of this infamous nature. If the words be a *lie* without *reservation*, they are so with it: for this does not alter the words themselves, nor the meaning of the words, nor the purpose of him who delivers them.†

But in what light are we to regard the stratagems, falsehoods, and acts of deceit, which have been employed in war, and often with applause, both in ancient and modern times?

In reply to this interesting question, Philocles observed, that war is seldom founded in justice; and that therefore we cannot be surprized that it should occasion, amongst those who wage it, a suspension of the common laws of morality. The fraudulent exploits which are practised, by the tacit consent, as it were, of the parties, may dazzle and surprize a superficial observer; but a serious honest mind will generally condemn them, as inconsistent with the obligations of religion and virtue, and, except under

\* Lord Kaims's History of Man, vol. iv. p. 158.

† Ductor Dubitant. p. 498.

very particular circumstances, injurious to the contending powers themselves. For as integrity is the best policy in the conduct of individuals towards each other, it will appear to be equally so in the transactions between states and communities, if an extensive view be taken of their great and permanent interests. Cicero, in one of his dialogues, introduces Scipio as maintaining the following excellent maxim: *non modo FALSUM esse illud, SINE INJURIA non posse, sed hoc verissimum, sine SUMMA JUSTITIA rempublicam regi non posse.* “It is so far from being true, that government cannot be carried on without injury to others, that nothing is more certain than that it cannot be well administered without an inviolable adherence to the strictest justice.” And the propriety of this observation seems to be acknowledged in some of the regulations of war, now universally adopted in civilized countries.

But a distinction should be made between art or stratagem, and perfidy or falsehood.\* The wisest and best moralists admit, that we may deceive our enemies, when we have a just cause of war, by any such signs as import no profession of communicating our sentiments to them. Thus I have heard that the Duke of Marlborough, when he commanded the allied army in Germany, called a council of war on a particular occasion, to determine whether he should attack the enemy on the succeeding day. His general officers were unanimous in recommending the mea-

\* See Appendix, sect. vi.

sure; but the Duke expressed his objections to it in the strongest terms, and the council submitted to his superior judgment. When he retired into his tent, Prince Eugene followed him, and lamented the disgrace in which such a decision would involve them. “My resolution,” said the Duke, “is fixed to give battle to-morrow; and I shall instantly issue the necessary orders. But I opposed this plan in council, because I had received secret information, that our enemies had concerted the means of becoming acquainted with the result of our deliberations. And you will agree with me in the necessity of deceiving them.”

But men of true courage and honour must hold in detestation all treachery and falsehood. The Earl of Peterborough, in conjunction with the Prince of Darmstadt, carried on the siege of Barcelona, about the beginning of the present century. The governor offered to capitulate, and came to a parley with Lord Peterborough at the gates of the city. The articles were not yet signed; when suddenly loud shouts and huzzas were heard in the town. “You have perfidiously betrayed us!” said the governor to the Earl; “whilst we are capitulating with unsuspecting honour and sincerity, your English soldiers have entered the city by the ramparts, and are now committing rapine, murder, and every kind of violence.” “You do injustice to the English,” replied the General; “this treachery is chargeable only on the troops of Darmstadt. But permit me

“ to enter into the town with my foldiers, and I will  
“ instantly repress the outrage, and return to the gate  
“ to finish the capitulation.”

The offer was made with an air of truth and sincerity; and accepted with a generous confidence. Peterborough hastened into the streets, where he found the Germans and Catalans pillaging the houses of the principal inhabitants. He drove them away; and obliged them to leave the booty which they were carrying off: and after having quieted all disturbances, he rejoined the governor, and completed the capitulation, without demanding any new or more advantageous terms. The Spaniards were astonished at the magnanimity of the English, whom they had generally regarded before as faithless barbarians.\*

Sophron remarked, that the glory on this occasion appeared to belong chiefly to Lord Peterborough, as an individual. But I recollect, continued he, a transaction in the Grecian history, which seems to evince an equal sense of honour, and detestation of perfidy, in the whole body of the Athenians. These people were inflamed with the ambition of governing Greece; and Themistocles, a favourite general, exerted all his talents to accomplish the design. One day he assembled the citizens of Athens, and informed them, he had a most important plan to propose; but that he could not communicate it to them, because the success of it depended upon secrecy. He therefore requested them to appoint a confidential person, to

\* See Voltaire's *Siecle de Louis XIV.*



whom he might explain his views, and whose approbation of them might have the force of public authority. Aristides was unanimously chosen; and Themistocles laid open to him the project, which he had conceived, of burning the whole fleet of the Grecian states, then lying unguarded in a neighbouring port; the destruction of which, he said, could not fail to secure the dominion of Athens. Aristides returned to the assembly, and declared, that the project of Themistocles promised the greatest benefit to the commonwealth; but that it was perfidious and unjust. The people instantly, and with one voice, rejected the proposal. But the Athenians were soon afterwards corrupted by prosperity: and Thucydides informs us, it became with them a maxim of state, “that nothing is dishonourable, which is “advantageous.”\*

Here I could not forbear to mention a noble and long-continued exertion of public faith and commercial honour, though it was a slight digression from the topic of discourse. The Spanish galleons, destined to supply Terra Firma, and the kingdoms of Peru and Chili, with almost every article of necessary consumption, touch first at Carthagena, and then at Porto-Bello. In the latter place a fair is opened; the wealth of America is exchanged for the manufactures of Europe; and during its prescribed term of forty days, the richest traffic on the face of the earth is begun and finished, with unbounded confi-

\* Thucydid. lib. vi.

dence, and the utmost simplicity of transaction. No bale of goods is ever opened, no chest of treasure is examined. Both are received on the credit of the persons to whom they belong; and only one instance of fraud is recorded, during the long period in which trade was carried on with this liberal confidence. All the coined silver which was brought from Peru to Porto-Bello, in the year 1654, was found to be adulterated, and to be mingled with a fifth part of base metal. The Spanish merchants, with their usual integrity, sustained the whole loss, and indemnified the foreigners by whom they were employed. The fraud was detected; and the treasurer of the revenue in Peru, the author of it, was publicly burnt.\*

Are we not every day guilty of lying, pursued Philocles, in the common forms of civility; and in various modes of speech, which custom has introduced?

Surely not, replied Sophron; for if these be well understood, no one is deceived by them.

I do not entirely accord with you, Sophron, said I; and I believe it will not be easy to justify, upon the principles either of wisdom or strict morality, many complimentary expressions used in conversation. You remember the letter of the ambassador from Bantam, which is inserted in one of the volumes of the Spectator. This honest stranger informs his master, that the people of England call him and his subjects barbarians, because they speak the truth; and account themselves polite and civilized, because

\* Robertson's Hist. of America, vol. ii. note 92, b. viii.

they say one thing, and mean another. “ On my first landing,” says he, “ one told me that he should be glad to do me any service in his power. I desired him, therefore, to carry my portmanteau ; but instead of serving me according to his promise, he laughed, and ordered another to do it. I lodged the first week at the house of a person, who intreated me to think myself at home, and to consider his house as my own. Accordingly, the next morning I began to knock down one of the walls, in order to let in the fresh air; and packed up some of the household goods, of which I intended to make thee a present. But the false varlet soon sent me word, that he would have no such doings in his house.” Perhaps, however, I may incur the charge of falsehood, by quoting the letter of an ambassador who never existed.

Such fictions, Philocles remarked, partake not of the nature of lies. They are intended to convey amusement or instruction, not to serve the purposes of deceit.

Nor is the case essentially different, with respect to the common forms of civility. Their import is known to all who use them; and, as they are expressive of urbanity and benevolence, they tend, under proper restrictions, to soften the asperities, and heighten the pleasures, of social intercourse. Genuine courtesy has, indeed, its seat in the heart; and implies the desire of gratifying others, in the subordinate offices of life, by the sacrifice of our own ease or in-

terest. It is essential, therefore, to every amiable character; and can only display itself in such appropriated modes as custom has established in different countries, or amongst different ranks of men. But, when the *substance* is wanting, some benefit is derived to the world even from its *forms*: and to the rustic, who claims the privilege of speaking improper truths, or of acting with rude and malicious sincerity, we may justly address the words of Shakespeare:

. . . . . " This is some fellow,  
 " Who, having been praised for bluntness, doth affect  
 " A saucy roughness, and constrains the garb  
 " Quite from his nature. He can't flatter, he,  
 " An honest mind, and plain; he must speak truth,  
 " And they will take it so; if not, 'tis plain."

On this account, I cannot but condemn the affected severity of Paulinus bishop of Nola, who reproves his correspondent Sulpicius Severus for having subscribed himself his servant. " Beware," says this primitive writer, " thou subscribe not thyself HIS  
 " SERVANT, who is thy BROTHER; for flattery is  
 " sinful; and it is not a testimony of humility to  
 " give those honours to men, which are only due to  
 " the One Lord, Master, and GOD."\* We find the patriarch Abraham actuated by no such scruples, though he lived in the period of pastoral simplicity, and was highly distinguished for his virtue and integrity. *And he lift up his eyes and looked; and lo, three men stood by him. And when he saw them, he ran to meet them from the tent door, and bowed him-*

\* See Barclay's Apology, p. 525.



*self toward the ground; and said, My lord, if now I have found favour in thy sight, pass not away, I pray thee, from thy servant.\**

Lot, also, is represented, in the book of Genesis, as accosting, in similar terms, two strangers, with whose dignity he was then unacquainted. *And he said, Behold now, my lords, turn in, I pray you, into your servant's house, and tarry all night, and wash your feet; and ye shall rise up early, and go on your ways.†*

The conduct and expressions of these venerable patriarchs might, I observed, be perfectly consistent with the nicest adherence to truth and sincerity. For though they styled themselves the *servants* of the strangers, whom they addressed, they could not mean to extend the term beyond such *services* as the laws of hospitality required.

Similar laws, answered Philocles, which general consent has established, bind every man, in the common intercourse of life, to restrain his angry passions, to silence his severe judgments, to suppress his pride and arrogance, and not only to correct whatever is offensive in his manners, but to shew that urbanity of spirit, which, by its benevolent attentions, contributes to alleviate misery, and to increase the sum of public happiness and order. Mistake me not, however, by supposing that I would recommend forward professions, a fawning demeanour, or unlimited complaisance. Integrity of heart and steadiness of principle forbid all sinful conformity with the world:

\* Gen. xviii. 2, 3.

† Gen. xix. 2.

and I would neither flatter folly, countenance vice, nor yield up one important duty to artificial politeness. But the sacrifice of my own pride, resentment, caprice, or ill-nature, to social ease and enjoyment, may often be required: and he, who, like Diogenes, neither possesses the substance nor the form of courtesy, should be banished from the world. This cynic, you remember, when he paid a visit to Plato, who united a taste for elegance with the love of philosophy, exulted in the rudeness of reproof, and bedaubing with his dirty feet the fine carpet which covered the floor, cried out, “Thus I trample on the pride of Plato.” “But with far greater pride,” retorted Plato, with a sarcastic severity, which the occasion fully justified. Lord Bacon mentions two noblemen of his acquaintance, one of whom kept a very magnificent table, but treated his guests with illiberal freedom: the other, when he entertained the same guests, probably with humbler cheer, but more politeness, used to ask them, “Tell truly, was there never a flout, or  
 “dry blow, given at my lord’s table?” To which the guests answered, “Such and such a thing passed.” “I thought,” said this nobleman, “he would mar  
 “a good dinner.”\*

Urbanity has been admirably characterized, by a celebrated writer, under the appellation of GENTLENESS. “This virtue,” he observes, “is founded  
 “on a sense of what we owe to Him who made us,  
 “and to the common nature of which we all share.

\* Bacon’s Essays, xxxii.

“ It arises from reflection on our own failures and  
“ wants, and from just views of the condition and  
“ the duty of man. It is native feeling, heightened  
“ and improved by principle. It is the heart which  
“ easily relents, which feels for every thing that is  
“ human, and is backward and slow to inflict the  
“ least wound. It is affable in its address, and mild  
“ in its demeanour; every ready to oblige, and will-  
“ ing to be obliged by others; breathing habitual  
“ kindness towards friends, courtesy to strangers,  
“ long-suffering to enemies. It exercises authority  
“ with moderation, administers reproof with tender-  
“ ness, confers favours with ease and modesty. It  
“ is unassuming in opinion, and temperate in zeal.  
“ It contends not eagerly about trifles; is slow to  
“ contradict, and still slower to blame; but prompt  
“ to allay dissention, and to restore peace. It nei-  
“ ther intermeddles unnecessarily with the affairs, nor  
“ pries inquisitively into the secrets, of others. It  
“ delights above all things to alleviate distress, and,  
“ if it cannot dry up the falling tear, to soothe at least  
“ the grieving heart. Where it has not the power  
“ of being useful, it is never burdensome. It seeks  
“ to please, rather than to shine and dazzle; and  
“ conceals with care that superiority, either of talents  
“ or of rank, which is oppressive to those who are  
“ beneath it. In a word, it is that spirit, and that  
“ tenour of manners, which the Gospel of CHRIST  
“ enjoins, when it commands us *to bear one another's*

*“burdens; to rejoice with those who rejoice, and to weep with those who weep; to please every one his neighbour for his good; to be kind and tender-hearted; to be pitiful and courteous; to support the weak, and to be patient towards all men.”\**

Sophron appeared to be much impressed with this animated and striking picture of courtesy; but he suggested to Philocles, that amongst the inferior offices of social life, he had not noticed the duties of COUNSEL and REPROOF. These, said he, I fear, cannot be administered by a mind under the influence of gentleness, without the concealment, and sometimes even the violation, of truth.

The former part of your allegation, replied Philocles, may perhaps be granted; but the latter I cannot admit. Advice and reprehension require, indeed, the utmost delicacy; and painful truths should be delivered in the softest terms, and expressed no farther than is necessary to produce their due effect. A courteous man will also mix what is conciliating with what is offensive; praise with censure; deference and respect with the authority of admonition; so far as these can be done in consistency with probity and honour. For the mind revolts against all censorian power, which displays pride or pleasure in finding fault; and is wounded by the bare suspicion of such disgraceful tyranny. But advice, divested of the harshness, and yet retaining the honest warmth of

\* Blair's Sermons, vol. i. p. 150.



truth, “is like honey put round the brim of a vessel  
“ full of wormwood.”\* Even this vehicle, how-  
ever, is sometime insufficient to conceal the draught  
of bitterness; of which we are furnished with an  
admirable and diverting instance in the history of Gil  
Blas. This young man became the favourite of the  
Archbishop of Grenada, in whose family he enjoyed  
a lucrative and agreeable office, and future prospects  
of much higher preferment. The archbishop re-  
garded him as a person of taste and sentiment; and  
one day entered into the following conversation with  
him. “Listen with attention to what I am going  
“ to deliver. My chief pleasure consists in preaching;  
“ the LORD gives a blessing to my homilies; they  
“ touch the hearts of sinners, make them seriously  
“ reflect on their conduct, and have recourse to in-  
“ stant repentance. This success should alone be a  
“ sufficient incitement to my studies: nevertheless, I  
“ will confess to thee my weakness, and acknow-  
“ ledge that I propose to myself another reward, a  
“ reward with which the delicacy of my nature re-  
“ proaches me in vain. The honour of being reck-  
“ oned a perfect orator has charmed my imagination:  
“ my performances are thought equally nervous and  
“ refined; but I am anxious to avoid the misfortune  
“ of those who write too long; and I wish to retire  
“ without forfeiting one tittle of my reputation.  
“ Wherefore, my dear Gil Blas, what I exact of thy  
“ zeal is, that whenever thou shalt perceive a failure

\* *Memoirs of Brandenburg, by the King of Prussia.*

“ in my genius, or the least mark of the imbecility  
“ of old age in my compositions, that thou wilt im-  
“ mediately advertise me of it. I dare not trust to  
“ my own judgment, which may be seduced by self-  
“ love; but make choice of thine, because I know it  
“ to be good, and am resolved to stand by thy deci-  
sion.” Some time after this discourse, the prelate was  
seized with a fit of apoplexy. He was however soon  
relieved; and such salutary medicines were adminis-  
tered, that his health seemed to be re-established.  
But his understanding suffered a severe shock, which  
was plainly perceptible in the first homily that he  
composed. The succeeding one proved perfectly  
decisive; as it abounded in repetitions, vain argu-  
ments, and false pathos. “ Now,” said Gil Blas to  
himself, “ master homily-critic, prepare to exercise  
“ the office which you have undertaken. You see  
“ that the faculties of his grace begin to fail. It is  
“ your duty to give him notice of it, not only as the  
“ depository of his thoughts, but likewise lest you  
“ should be anticipated by some other of his friends.”  
But the embarrassment was, how to convey the mor-  
tifying intimation to his patron. Fortunately the  
archbishop extricated him from the difficulty, by en-  
quiring what people said of him, and if they were  
satisfied with his last discourse. Gil Blas answered,  
that the homily had not succeeded so well as the  
others, in affecting the audience. ‘ How?’ replied  
the prelate with astonishment; ‘ has it met with any  
‘ Aristarchus?’ “ No, Sir,” said Gil Blas, “ by

“no means: but since you have laid your injunctions upon me to be open and sincere, I will take the liberty of telling you, that your late discourse, in my judgment, has not altogether the energy of your prior performances.” The archbishop grew pale at these words; and said, with a forced smile, ‘So then, Mr. Gil Blas, this piece is not to your taste? You think my understanding enfeebled, don’t you?’ “I should not have spoken so freely,” answered Gil Blas, “if your grace had not commanded me. I do no more, therefore, than obey you; and I most humbly beg that you will not be offended at my freedom.” ‘God forbid,’ cried the prelate, with precipitation; ‘God forbid that I should find fault with it. This would be extremely unjust. I am not angry that you speak your sentiments: it is the sentiment only that I condemn. Know that I never composed a better homily than that of which you disapprove; for my genius, thank heaven, hath yet lost nothing of its vigour. Henceforth, however, I will choose an abler confidant than you are. Go,’ added he, pushing Gil Blas out of his closet by the shoulders, ‘go, tell my treasurer to give you a hundred ducats. I wish you all manner of prosperity, with a little more taste.’\*

But we have enlarged sufficiently on this part of our subject. Permit me, therefore, Sophron, to pro-

\* Gil Blas, vol. iii

ceed, by enquiring, whether *SECRECY*, in certain cases, be not a branch of faithfulness or veracity?

It is a very important one, answered Sophron. To betray the confidence that is reposed in us, whether we have tacitly or by a promise bound ourselves to fidelity, evinces a weak understanding or a bad heart. Levity, an eagerness to communicate, or the desire of seeming to be important, are the most frequent causes of the breach of secrecy; but it is to be feared, that it sometimes originates from baseness and malevolence.

This offence was deemed infamous by the ancient Persians. For it was their opinion, says Quintus Curtius, that however deficient a man might be in the talents requisite to the attainment of excellency, the negative virtues were, at least, in his power; and that he might be silent, although he could not be eloquent.

Here Philocles judiciously remarked, that the laws of secrecy are not, in all cases, to be regarded as inviolable; for we are under antecedent obligations, of a nature still more forcible and binding. If any atrocious design, either against an individual or the state, be communicated in confidence to us, it is our duty to dissuade the party, if possible, from the execution of it. But should our endeavours appear to be unavailing, the concealment of what we know might involve us in the guilt of the offence; and we should be justly punishable, as accessaries to the crime. At Florence, and in other states of Italy, a



a man apprised of a plot against the government is put to death for not revealing it.\* In England, *misprision of treason* is punished by forfeiture of rents and of goods, and by imprisonment during life: and *misprision of felony*, by imprisonment for a discretionary term, and by fine and ransom, at the pleasure of the king's judges.†

If such *misprisions* be really culpable, how comes it to pass, I asked, that informers are almost universally held in contempt and detestation?

Because few villains, said Philocles, will communicate their wicked designs to any but those, whom they believe inclined to participate in the commission of them. Hence there is generally a presumption of previous guilt in the informer: and to this guilt we superadd that of baseness and perfidy, as we are not willing to suppose that he is influenced to perform this public act either by motives of private virtue or of patriotism. However, we should be careful not to carry our prepossession against informers, even of this class, too far. They do essential service to the community; and may, perhaps, think this service the best atonement for their past guilt, and the fullest proof of their present repentance.

There is another branch of faithfulness, which it is also dishonourable to violate, and which lays us under an obligation to avoid TATTLING, TALE-BEARING, and CENSORIOUSNESS. In the unguarded hours of social intercourse, and still more in the commerce of

\* Guiccardini's Hist.

† Blackstone's Commentaries.

domestic life, the wisest and the best of men speak their thoughts without reserve; and casting off all restraint, may sometimes deviate, both in their words and actions, from the rules of strict propriety. To relate such inadvertencies, is meanness; to ridicule them, is ill-nature; and to exaggerate them, is calumny.\*

Sophron now turned our attention to a most important branch of moral truth, by inquiring whether INSINCERITY in RELIGION may not be deemed a highly criminal species of lying?

Certainly it may, returned Philocles. GOD is a being of spotless purity, who searches the heart, and commands us to worship Him "*in spirit and in truth.*" "*Lying lips,*" whether employed in false professions of faith or of piety, "*are an abomination to the*" "LORD." And he who can habitually practise insincerity and hypocrisy, in those serious and important transactions with his Creator, Benefactor, and Judge, which have eternity for their object, is not likely to pay any steady regard to temporary interests, resulting from the laws of society, or the ordinary obligations of morality. When one of the kings of France solicited M. Bogier, who was a Protestant, to conform to the Roman Catholic religion, promising him

\*.

"Absentem qui rodit amicum,

"Qui non defendit, alio culpante; solutos

"Qui captat risus hominum, famamque dicacis;

"Fingere qui non visa potest; commissa tacere

"Qui nequit; hic niger est; hunc tu, Romane, caveto."

HOR, lib. i. sat. iv.

in return a commission or a government; "Sire," replied he, "if I could be persuaded to betray my God for a marshal's staff, I might be induced to betray my king for a bribe of much less value."

It was a noble reply! cried Sophron, with ingenuous warmth; and the recital of it brings to my memory a story which the Duke of Sully has recorded of Ambrose Parè, a zealous Huguenot, and surgeon to Charles the Ninth of France. He was with the king during the time of the massacre of Paris, when so many thousand innocent and virtuous persons were inhumanly butchered in cold blood; and was perhaps a witness of the monarch's firing with a carbine upon the wretched Calvinists, who fled from their murderers by the windows of the palace. The courtiers, as they came into the royal presence, vied with each other in boasting of the barbarities which they had committed; and Charles said to Parè, whose religious opinions he well knew, "The time is now come, when I shall have none but Catholics in my dominions." "Sire," answered he, without embarrassment or perturbation, "can you forget your promise to me, that I should never be obliged to go to mass?" The Duke of Sully seems to be of opinion, that the edict which Charles issued the succeeding day, to prohibit the continuance of the massacre, was partly owing to the intrepidity and influence of Parè.

The conduct of Parè, said Philocles, on so trying an occasion, affords a striking proof of firmness and sincerity in the profession of religious faith. But ex-

amples of much higher degrees of similar fidelity are to be found in the earlier annals of the Christian church. Nor are instances wanting, even in the heathen world, of a zealous and fearless attachment to those rites which ignorance deemed sacred, and which individuals or bodies of men bound themselves by solemn engagements to perform. When the Gauls were become masters of Rome, they besieged the capitol, and closely guarded every avenue, to prevent the escape of a single Roman citizen. Under these circumstances of danger, Caius Fabius Dorso, a young man of an illustrious family, descended from the capitol, bearing certain holy utensils in his hands; and passed through the midst of the enemy, regardless of their menaces, to offer a sacrifice to the gods on the hill Quirinalis. This sacrifice it was the custom of his ancestors to perform yearly, on a stated day; and when he had finished the solemnity, the Gauls, though a fierce and barbarous people, suffered him to return unmolested, admiring his piety, and astonished at his intrepidity.\* Facts like these should make us blush at indifference, and abhor dissimulation, in religion. But whilst we allow such impressions to produce their full influence on our hearts, let us beware of passing judgment upon others with rashness or unchristian severity. Intemperate zeal is apt to beget a malignancy of spirit, no less incompatible with the love of God, than with benevolence to man. The conviction of the mind in matters of faith often

\* Vide Liv. Hist.



depends more upon education and authority than on the exertions of reason : and if we see men professing to believe what is unintelligible or absurd, we should be well assured that they have not deceived themselves, before we accuse them of mocking their Creator, and imposing on the world.

We may pity ignorance, and lament credulity ; but hypocrisy, urged Sophron, merits from us no indulgence : and this species of falsehood is so characteristically marked, that it cannot be mistaken. Who, that observes a man sanctified in his behaviour, and assiduous in his public devotions, whilst he is at the same time selfish, malevolent, bigoted, and oppressive, will hesitate to charge him with the grossest and most infamous dissimulation?

If there be sufficient proof that this is really his temper of mind, I acknowledge, said Philocles, that you may and ought to brand him with the name of hypocrite. But no man should be charged with a crime universally odious, on slight or equivocal evidence. There is a species of devotion, which having its seat chiefly in the imagination and the passions, bears no exact proportion to the virtue of the character in which it is found : and charity, together with an humble sense of our own infirmities, will always lead us to put the most favourable construction on the conduct of our fellow-creatures. We should remember also, that enthusiasm and superstition have often appeared with the external marks of dissimulation. The famous Lord Herbert, of Cherbury, had

written an elaborate work against Christianity, which he entitled, *De Veritate, prout distinguitur à Revelatione*. But knowing that it would meet with much opposition, he remained some time in anxious suspense about the publication of it. Providence, however, as he informs us, kindly interposed, and determined his wavering resolutions. Hear the marvellous tale which he relates !

“ Being thus doubtful in my chamber, one fair day  
 “ in the summer, my casement being opened towards  
 “ the south, the sun shining clear, and no wind stirring, I took my book *De Veritate* in my hand, and  
 “ kneeling on my knees, devoutly said, *O thou eternal*  
 “ *God, I am not satisfied enough whether I shall publish*  
 “ *this book. If it be for thy glory, I beseech Thee*  
 “ *give me some sign from heaven; if not, I shall suppress*  
 “ *it.* I had no sooner spoken these words, but  
 “ a loud, though yet gentle, noise came from the  
 “ heavens, which did so comfort and cheer me, that  
 “ I took my petition as granted, and that I had the  
 “ sign I demanded; whereupon also I resolved to  
 “ print my book.”\*

It must appear strange that a man who had spent a considerable part of his life in courts and camps, should possess such a deluded imagination. And this delusion will be still more suspicious, when you are told that Lord Herbert's chief argument against Christianity is, the improbability that Heaven should reveal its laws only to a portion of the earth. For

\* See the Life of Lord Herbert, written by himself.

how could he, who doubted of a *partial*, believe an *individual* revelation? Or is it possible, that he could have the vanity to think his book of such importance as to extort a declaration of the Divine will, when the interest and happiness of a fourth part of mankind were deemed by him objects inadequate to the like display of goodness? \* Do these arguments convince you of Lord Herbert's hypocrisy? Your conclusion is hasty and unjust. Read his life, and you will be satisfied that the warmth of his temper might expose him to self-deception; but that he was incapable of obtruding on the world what he knew to be a falsehood.

Sophron modestly acknowledged, that the signs of religious dissimulation might be less decisive than he had supposed. But allow me, said he, to contrast your instance of Lord Herbert with two facts concerning Oliver Cromwell; to shew that the charge of hypocrisy may be justly grounded on single actions, without taking into our view the whole tenour of a man's life. Suppose a stranger, ignorant of the craftiness and ambition of Cromwell, to have been present in the long parliament, when the ordinance for the trial of Charles I. was read and assented to; would he have hesitated to think him a hypocrite, after hearing him deliver the following words? "Should any one have voluntarily proposed to bring the king to punishment, I should have regarded him as the greatest traitor; but since Providence

\* See Walpole's Catalogue of Royal and Noble Authors.

“ and necessity have cast us upon it, I will pray to  
 “ God for a blessing on your counsels; though I am  
 “ not prepared to give you my advice on this im-  
 “ portant occasion. Even I myself, when I was lately  
 “ offering up a petition for his Majesty’s restoration,  
 “ felt my tongue cleave to the roof of my mouth;  
 “ and considered this supernatural movement as the  
 “ answer which Heaven, having rejected the king,  
 “ had sent to my supplications.”\*

Let us farther suppose that this stranger attended the high court of justice, and saw Cromwell, when he took the pen in his hand to sign the warrant for the King’s execution, jocularly bedaub the face of his neighbour with the ink; could he forbear to express his disgust at the levity which he then observed, and his abhorrence of the gross dissimulation to which he had been before a witness?

You have drawn your example, replied Philocles, from that distracted period of our history when truth appears to have been banished from public life. The despotic views of a monarch who was under the influence of a Popish queen, a bigoted prelate, and a corrupt statesman, led him to the practice of deceit and falsehood;† and the parties who united in opposing his encroachments on the civil and religious rights of the people, soon deviated from their original principles; and availing themselves of the gloomy enthusiasm of the times, concealed their perfidy and ambition under the mask of pious zeal and divine

\* Whitlock.

† See Appendix, sect. v.



illuminations. That Cromwell was guilty of hypocrisy, may with too much probability be inferred from numerous and undoubted facts. But I know not whether the two which you have related would have authorized a stranger to charge him publicly with this reproachful offence. Cromwell possessed a vigorous, active, and enlarged understanding; and could assume, whenever he pleased, that dignity of manners which befitted his high station. But when he relaxed himself from the toils of war, or the cares of government, his amusements frequently consisted in the lowest buffoonery. Yet in these apparently unguarded moments he was upon the watch to remark the characters, designs, and weaknesses of men; and to penetrate into the inmost recesses of their hearts. Before the trial of Charles, a meeting was held between the chiefs of the republican party and the general officers, to concert the model of the intended new government. After the debates on this most interesting and important subject, Ludlow informs us, that Cromwell, by way of frolic, threw a cushion at his head; and when Ludlow took up another cushion to return the joke, the general ran down stairs, and was in danger of breaking his bones in the hurry.\* It is evident, therefore, that this extraordinary man might really be serious, under the appearance of levity. But this topic has engrossed too much of our attention; and I will only add, that

\* Hume's History.

the more we cultivate moral or religious sincerity in ourselves, the less disposed we shall be to suspect the want of it in others.

There is a character, said Sophron, of genuine dignity and importance, not usurped like that of Cromwell, the lustre of which has been tarnished by the charge of religious dissimulation. This charge, you know, is laid in the strongest terms against the apostle Peter, by St. Paul himself, who writes thus to the Galatians: *But when Peter came to Antioch, I withstood him to the face, because he was to be blamed. For before that certain came from James, he did eat with the Gentiles; but when they were come, he withdrew, and separated himself, fearing them which were of the circumcision. And the other Jews dissembled likewise with him, insomuch that Barnabas was carried away with their dissimulation. But when I saw that they walked not uprightly, according to the Gospel, I said unto Peter before them all, If thou, being a Jew, livest after the manner of Gentiles, and not as do the Jews, why compellest thou the Gentiles to live as do the Jews?*

The conduct of Peter on this occasion is the more extraordinary, as he appears to have had the fullest conviction of the abolition of the Jewish ceremonies, by the promulgation of the Gospel of CHRIST: \* a conviction founded on an immediate revelation from heaven; in consequence of which he baptized the centurion Cornelius and his family. *And he said*

\* Acts v. 7, 8.

*unto them, I know how that it is an unlawful thing for a man that is a Jew to keep company with or come unto one of another nation: but God hath shewed me, that I should not call any man common or unclean. For of a truth I perceive that God is no respecter of persons; but in every nation, he that feareth Him, and worketh righteousness, is accepted with Him.\**

The enemies of Christianity, answered Philocles, have indecently and unjustly triumphed in this dispute between the apostles; and its friends, with a zeal no less heated and erroneous, have anxiously sought to disavow or to evade it. Two primitive fathers† of the church have even represented it as a stratagem or deceit, concerted privately for the benefit of the Jewish converts; but Austin rejects this defence with proper indignation, as dishonourable to the character of Paul, and inadequate to the justification of Peter, whose conduct he confesses to have been worthy of reprehension. The truth, indeed, seems to be, that this great Apostle suffered himself to be governed on the unfortunate occasion now alluded to, as on several others of his life, by the warmth and impetuosity of his passions. But dissimulation is not the concomitant of such a temper of mind: and as the history of Peter sufficiently evinces that this vice was foreign to his nature, it could originate only in the present instance from the sudden impression of fear on one, not yet completely disciplined in the school of fortitude. Let us learn therefore, Sophron, from the severity of St.

\* Acts x. † Chrysostom and Jerom.

Paul's rebuke, to avoid all mean prevarications or time-serving compliances, inconsistent with our religious principles; and *to walk uprightly, according to the truth of the Gospel, holding fast the liberty with which CHRIST has made us free.*

May we remember also, in the judgments which we form concerning the faith and practices of others, that our great Master and Lawgiver has invested them with the same freedom which we ourselves enjoy; and that if an apostle was not authorized to impose a yoke on others, we can have no claim to preside over conscience, however erroneous it may be, or to assume any power in spiritual matters, but what arises from the persuasive influence of superior reason: and even in the exercise of this faculty, our language and treatment should be such, as to manifest the benignity and gentleness of Christian toleration.

I could not hear the term *toleration* from the mouth of Philocles, without expressing some objections to it, although it has been adopted by Mr. Locke, and other writers of the first distinction. For words, I observed, have a considerable influence on opinions; and the present term appears to be injurious to that religious liberty which it is designed to import. It implies a *right* to impose articles of faith and modes of worship; that non-conformity is a crime; and that the *sufferance* of it is a matter of favour or lenity. But the non-conformist in every country, whether he be a Christian at Constantinople, a Protestant at Rome, an Episcopalian in Scotland, or a Presbyterian in Eng-



land, if his rational principles be consonant to his practice, will regard this claim of *right* as usurpation, and will urge, that it has neither been conferred by JESUS CHRIST, nor delegated by the people. Our Saviour expressly declares, *My kingdom is not of this world*: and his religion was persecuted and oppressed, during the period of its greatest purity and perfection, and when the ministers of it had gifts and powers which are now unknown. The people could not delegate such a right to any man, or body of men: for the human mind is so mutable, that no individual can fix a standard of his own faith, much less can he commission another to establish one for him and his posterity. And this power would in no hands be so dangerous, as in those of the statesman or priest, who has the folly and presumption to think himself qualified to exercise it.

Philocles, by his silence, seemed to acquiesce in what I had advanced: and when I apologized afterwards for the interruption which I had more than once occasioned to the methodical discussion of the subject in debate, he very politely replied, that the freedom of conversation admits not of a rigid adherence to the precise rules of system. But were it otherwise, said he, the mind is relieved from weariness, and animated to more attention by seasonable digressions, if not too long, or too often repeated. That I am not averse to enter into them myself, you may already have observed, and will now find, by my recalling to Sophron's memory the dispute between

the Apostles Paul and Peter; and deducing from it an argument in favour of the truth of Christianity. It is obvious, I think, from this incident, that there was no combination to deceive mankind amongst the first preachers of the Gospel; and that if, on ordinary occasions, they were actuated by the common weaknesses and prejudices of human nature, they neither attempted to conceal nor to extenuate them. With the simplicity of truth they related facts as they occurred, whether advantageous or otherwise to their characters. And every unprejudiced judge will discover, in the records of the Gospel, such internal marks of fidelity, as no other history, either of ancient or modern periods, can display. Justly, therefore, may we apply to the writings of the Evangelists that maxim of Cicero, *Quis nescit primam esse historię legem, ne quid falsi dicere audeat; deinde, ne quid veri non audeat?*\*

— A pause ensued, and the conversation seemed to be concluded. But Sophron taking up Locke's Essay on the Human Understanding, which happened to lie on the table before him, read the distinction which that author makes between moral and metaphysical truth. This suggested fresh matter of discussion, and gave rise to a variety of observations on the danger of error, and on the conduct of reason in our intellectual pursuits. Philocles particularly enlarged on the pernicious consequences of supporting FALSE OPINIONS, for the sake of argument, in public or private disputations; and represented this practice

Cicero de Oratore, lib. ii.

as one great source of scepticism and infidelity amongst literary men.\* The imagination, said he, is struck with novelty; it appears honourable to shake off the fetters of vulgar prejudice; and pride is doubly gratified by the humiliation of an opponent, and the triumph over authority. Thus the passions become engaged on the side which the sceptic espouses; sophistry is mistaken for sound logic; he becomes enamoured of discoveries, made by his superior penetration; and the singularity of his notions or principles, which would create doubt and hesitation in a wise man, tends only to strengthen his conviction of their certainty. Milton, describing the character of Belial, one of the fallen angels, says, in emphatic language,

- - - - - "His tongue  
 "Dropp'd manna, and could make the worse appear  
 "The better reason, to perplex and dash  
 "Maturest counsels."†

Does not the philosopher's maxim, said Sophron, *Nullius jurare in verba magistri*, seem to recommend a strict scrutiny into every subject? And what more judicious method can be devised, of correcting our prejudices, in favour of an established opinion, than by setting ourselves boldly in opposition to it?

Would you free yourself, Sophron, from a trifling malady, by incurring a severe and dangerous one? Then, urged Philocles, you may correct a slight prejudice by adopting another that is greater. In our

\* See Appendix, sect. vi.

† Paradise Lost, book ii. l. 912.

inquiries into truth, we ought to divest ourselves, as much as possible, of every prepossession. But it is surely a reasonable deference to the judgment of the public, concerning any doctrine or opinion, that we should first examine with attention the arguments in its favour, before we admit the objections which may be raised against it. And by this method the mind will be least unfairly biased in her decisions, and will rest on them with a degree of confidence and satisfaction, which can never result from partial or prejudiced investigation. Young men of lively parts and acute understandings, when they enter upon the field of controversy, are sometimes so proud of their polemic skill, as to engage indiscriminately on any side of the question in debate. This is a dangerous practice, and censured even by Socrates himself; whose labours were devoted to the discussion of truth, and the detection of error. “If thou continuest to take  
 “delight in idle argumentation,” said he to Euclides,  
 “thou mayest be qualified to combat with the so-  
 “phists, but wilt never know how to live with men.” And Lord Bacon, the great luminary of science, appears to have entertained similar ideas; for, speaking of the logic of Aristotle, he terms it, “a philosophy  
 “for contention only, but barren in the production  
 “of works for the benefit of life,”\* Many lamentable proofs have I seen of the tendency of this habit of altercation to create indifference, not only to intellectual, but also to moral and religious truth. Cato,

\* Biog. Brit. vol. i. second edit. p. 449.



the censor, prophesied the ruin of the Roman constitution, whenever this sort of learning should become the fashionable study of his countrymen. He conceived his dislike to it on the following occasion. “ In  
 “ the year of Rome 599, the Athenjans sent three  
 “ of their principal philosophers on an embassy to  
 “ the republic. At the head of these was Carneades,  
 “ a very celebrated leader of the academic sect. While  
 “ he was waiting for an answer from the senate, he  
 “ employed himself in displaying his talents in the  
 “ art of disputation: and the Roman youth flocked  
 “ round him in great numbers. In one of these  
 “ public discourses he attempted to prove, that *justice*  
 “ *and injustice depend altogether on the institutions of*  
 “ *civil society, and have no foundation in nature.* The  
 “ next day, agreeably to the manner of that sect, and  
 “ in order to set the arguments on each side of the  
 “ question in full view, he supported with equal  
 “ eloquence the reverse of his former proposition.  
 “ Cato was present at both these disputations; and  
 “ and being apprehensive that the moral principles  
 “ of the Roman youth might be shaken, if they should  
 “ become converts to this mode of philosophizing,  
 “ he was anxious to prevent its reception; and did  
 “ not rest till he had prevailed with the senate to dis-  
 “ miss the ambassadors with their final answer.”\*

Perhaps the versatile opinions and principles of the Jesuits may be ascribed to this cause; for I have been informed by several of them with whom I have con-

\* Plut. in Vit. Caton. Melmoth's Cato, p. 190.

versed, that their academical exercises are chiefly directed to make them subtle disputants. How far the same observation may be applicable to the members of a learned profession, highly respected in this country, I will not presume to determine. But there is too much reason to apprehend, that the custom of pleading for any client, without discrimination of right or wrong, must lessen the regard due to those important distinctions, and deaden the moral sensibility of the heart.\*

I have been too strongly impressed with the love of truth, replied Sophron, to debate with indifference about it; and therefore, to guard against deception, from “what the nurse and what the priest have taught,” I would examine my most serious opinions, and try whether I cannot, by direct opposition, or by the test of ridicule, invalidate their authority.

I have already given you my reasons against this practice, answered Philocles; and I could enforce them by many examples of the pernicious consequences of it, which have fallen under my observation. But private history is invidious; and I shall therefore confine myself to a few cases of public notoriety. The academy of Dijon many years ago proposed the following whimsical prize-question, viz. “Whether the sciences may not be deemed more hurtful than beneficial to society?” M. Rousseau became a candidate for the laurel, and assumed the affirmative side of the question; probably because it furnished him

\* See Appendix, sect. vii.

with a better opportunity of displaying his genius and powers of persuasion.\* His discourse was received with the highest applause; he became the dupe of his own rhetoric, and adopted as a philosopher the maxims which he had delivered as an orator. From this period commenced his fame, his paradoxes, and his misfortunes.† He combated the common sense of mankind with all the zeal of a reformer; and his writings proved like the bubble which glitters, expands, and bursts in the sun-shine: they were dazzling, empty, and soon forgotten. I am inclined to suspect that Machiavel's Prince, the Fable of the Bees, and other productions of this nature, originated from causes somewhat similar to those which gave rise to the chimeras of Rousseau. And it is said that a celebrated adversary of Christianity, by yielding up his judgment and imagination to a particular set of arguments, became successively a Protestant, a Papist, and an Infidel.‡

But permit me, Sophron, to suggest to you a caution of still higher importance, which regards such of your intellectual pursuits as relate to the Deity. Religion may be considered both as a speculative science, and as a practical principle. In the former view, it constitutes the sublimest object of the understanding, and the most interesting topic of rational investigation:

\* "*Major est ille qui judicium abstulit, quam qui meruit.*"—Cic.

† "*Nescis quomodo, dum lego assentior, cum posui librum, assensio omnis illa elabitur.*"—Idem.

‡ Helvetius.

‡ See an account of Mr. Tindal, in the British Biography, vol. ix. p. 314.

In the latter, it is a spring of motion, and excites all the devout affections of veneration, gratitude, and love. When you contemplate as a philosopher the character of the Divine Being, you must be struck with reverence at the proofs which offer themselves of his boundless power, universal presence, and infinite duration: and these attributes, reflecting dignity and lustre on the more amiable perfections of his nature, will heighten the impression made by the relation which He stands in to you, as your Creator, Benefactor, and Friend. Thus the principle of piety will subsist in your mind in its full force, supported by the authority of reason, and harmonizing with all the feelings of your heart. But if you descend from these general and exalted views of the Divine Being into minute disquisitions concerning his essence, the freedom of his agency, and other subtilties beyond the human ken, you will soon damp the ardour of devotion in your breast; and should you make these inquiries the common matter of academical disputation, or of familiar debate, the sacred flame will be extinguished altogether.\* The poet lately quoted has described some of the fallen angels, who had been driven from heaven for impiety and rebellion, as “sitting on a hill retired, and reasoning high”

“Of Providence, foreknowledge, will, and fate;

“Fix’d fate, free-will, foreknowledge absolute;

“And found no end, in wand’ring mazes lost.”†

\* See Dr. Gregory’s *Comparative View*, and Mrs. Barbauld on *Devotional Taste*.

† Milton’s *Paradise Lost*, book ii. l. 552.



I mean not, however, to condemn indiscriminately all metaphysical researches of this kind. It is natural for men of a speculative turn to extend their views of theology beyond the clear limits either of reason or of revelation: and if their inquiries be conducted with that humility and reverence which such subjects should inspire, they may tend to invigorate the understanding without depraving the heart. The example of Locke, Newton, Clarke, Hartley, and other distinguished philosophers, affords sufficient confirmation of this truth; and at the same time evinces a still more pleasing and important one, that religion numbers, amongst her votaries, men who have dignified and adorned human nature by their genius, virtue, and learning. I would particularly recommend to your notice, Sophron, I need not say to your imitation, the conduct of Mr. Boyle, who had so profound a veneration for the Deity, that the name of God was never mentioned by him without a pause in his discourse.\* This great philosopher also had such delicate notions of veracity, and was so sensible of the imperfection of human knowledge, even when derived from experiment, that in the preface to his *Essays* he makes an apology for the frequent use of the words *perhaps*, *it seems*, *'tis not improbable*, as implying a diffidence of the justness of his opinions: and this diffidence arose, as he informs us, from repeated observation, that what pleased him for a while, was afterwards disgraced by some further or more recent discovery.

\* British Biography, vol. vi. p. 248.

Here Philocles was interrupted by the arrival of a stranger, whose presence put an end to the conversation.

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ON THE  
INFLUENCE  
OF  
HABIT and ASSOCIATION.



----- "VIRESCQUE ACQUIRIT EUNDO."  
VIRGIL.

----- "ANGIT,  
"IRRITAT, MULCET, FALSIS TERRORIBUS IMPLET."  
HOR. EP. I. lib. ii.





## MISCELLANEOUS

### OBSERVATIONS

#### ON THE INFLUENCE OF

## HABIT AND ASSOCIATION.

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### SECTION I.

THE laws of HABIT and ASSOCIATION form a most important branch both of physiology and of ethics. And as *the proper study of mankind is man*, every fact must be deemed interesting, which tends to elucidate either the animal, intellectual, or moral oeconomy of his nature. The following observations have a reference to one or other of these objects. But no particular regard has been paid to system in the arrangement of them: and I have attempted only, as Lord Verulam expresses it, “to write certain brief “ notes, set down rather significantly than curiously.”

I. MUSCULAR ACTIONS, perfectly spontaneous, may be excited without apparent volition, so as to become completely automatical, by the recurrence of those impressions with which they have been long associated. I shall give a striking example of the truth of this proposition.

Several years ago the Countess of \*\*\*\* fell into an apoplexy, about seven o'clock in the morning. Amongst other stimulating applications, I directed a feather dipped in hartshorn to be frequently introduced into her nostrils. Her Ladyship, when in health, was much addicted to the taking of snuff; and the present irritation of the olfactory nerves produced a junction of the fore-finger and thumb of the right hand, the elevation of them to the nose, and the action of snuffing in the nostrils. When the snuffing ceased, the hand and arm dropped down in a torpid state. A fresh application of the stimulus renewed these successive efforts; and I was a witness to their repetition till the hartshorn lost its power of irritation, probably by destroying the sensibility of the olfactory nerves. The Countess recovered from the fit about six o'clock in the evening; but though it was neither long nor severe, her memory never afterwards furnished the least trace of *consciousness* during its continuance.

Does not this instance of a complex series of actions, ordinarily spontaneous, in circumstances which seem to preclude both volition and consciousness, reflect some light on the obscure question concerning the sleep of the soul, so much agitated in the time of Mr. Locke? Is not the opinion of this celebrated philosopher confirmed by it, that the perception or contemplation of ideas is to the mind what motion is to the body, not its essence but one of its operations: and that an unceasing energy of the understanding

and the will is the sole prerogative of that infinitely-perfect Being, who, according to the language of the Psalmist, *never slumbers or sleeps.*

II. SLIGHT PARALYTIC AFFECTIONS of the organs of speech sometimes occur without any correspondent disorder in other parts of the body. In such cases the tongue appears to the patient too large for his mouth, the saliva flows more copiously than usual, and the vibratory power of the *glottis* is somewhat impaired. Hence the effort to speak succeeds the volition of the mind slowly and imperfectly; and the words are uttered with faltering and hesitation. These are facts of common notoriety: but I have never seen it remarked, that in this local palsy the pronunciation of PROPER NAMES is attended with peculiar difficulty; and that the recollection of them becomes either very obscure, or entirely obliterated; whilst that of persons, places, things, and even of abstract ideas, remains unchanged. Such a partial defect of memory, of which experience has furnished me with several examples, confirms the theory of association, and at the same time admits of an easy solution by it. For as words are arbitrary marks, and owe their connection with what they import to established usage, the strength of this connection will be exactly proportioned to the frequency of their recurrence; and this recurrence must be much more frequent with generic than with specific terms. Now proper names are of the latter class; and the idea of a person or place may remain vivid in the mind, with-

out the least signature of the appellative which distinguishes each of them. It is certain also that we often think in words; and there is probably at such times some slight impulse on the organs of speech, analogous to what is perceived when a musical note or tune is called to mind. But a lesion of the power of utterance may break a link in the chain of association, and thus add to the partial defect of memory now under consideration.

The following very curious fact I have received from unquestionable authority. Mr. S——, a Welchman by birth, and minister of a congregation at W——, had a paralytic stroke in 1783, at the age of sixty, which deprived him entirely of the power of speaking English, after he had preached in that language thirty or forty years. He could still converse in the Welsh tongue with facility, and continued to understand those who spoke to him in English, though he was unable to make any reply in the same language.

III. Dr. Willis relates the story of an IDEOT, who, residing within the sound of a clock, regularly amused himself with counting aloud the hour of the day, whenever the hammer of that instrument struck: but being afterwards removed to a situation where there was no clock, he retained the former impressions so strongly, that he continued to distinguish the ordinary division of time, repeating at the end of every hour the precise number of strokes which the clock would have struck at that period.\* Mr. Addison

\* Willis *De Anima Bruter.* pars i. cap. xvi. p. 85.



has quoted this fact in one of the Spectators, not from the original, but from Dr. Plott's History of Staffordshire; and has deduced from it many important moral reflections. Whatever may be thought of the authenticity of this narrative, an instance has lately occurred within the circle of my own observation somewhat similar, and which no less clearly evinces the power of habit to renew former mechanical impressions, independently of any external cause.

Mr. W—— had been long confined to his chamber, by a palsy and other ailments. Every evening about six o'clock he played at cards with some of the family. He was seized in June, 1780, at three o'clock in the afternoon, with a fit, which terminated in desipency. At the stated hour of card-playing, he fancied himself to be engaged in his usual game; talked of the cards as if they were in his hand; and was very angry at his daughter when she endeavoured to rectify his mistaken imagination. His fatuity was of short continuance; but when recovered from it, he expressed no recollection of what had passed.

IV. A celebrated French writer\* has remarked, that “the greater degree of sagacity any one is master of, “the more ORIGINALS will he discover in the characters of mankind.” This *originality* may doubtless depend on the primary constitution of the mind; but I am persuaded also, that it is often the result of particular associations. When these are unnatural or inordinate, they produce partial alienations of the

\* Paschal,

understanding: and to this source we may trace the visions of enthusiasm, the persecuting zeal of bigotry, the sanguinary honour of duelling, the sordid pursuits of avarice, and the toilsome solitudes of ill-directed ambition. These and numberless other quixotisms of the mind give the phantoms of imagination an ascendancy over reason, and produce a temporary insanity, varying according to its object, degree, and duration. If the predominant train of ideas be foreign to the offices of life, there will be little chance of breaking the magic combination; and the habitual indulgence of this tyranny of passion, or fancy, will at last render it fixed and uncontrollable.

According to Shakespeare, “the lunatic, the lover, “and the poet, are of imagination all compact.” But as our great dramatist observes, on another occasion, “’twere to consider too curiously to consider “so.\*” At least, we should restrict our conclusions, that they may not involve so large a portion of mankind, as to injure the honour even of human nature itself. Besides, passion is the spring of the mind, which gives vigour and energy to all its movements: and, if not extravagantly disproportionate to the value of its object, it may be indulged, not only with innocence, but sometimes even with singular advantage. For, the ardour inspired by it is the source of all that is excellent in genius, and sublime in conduct: and without the salutary aid of this species of enthusiasm, we should sink into a state of torpid apathy.

\* Hamlet.

But though it be difficult to define the precise boundaries of rationality, it can neither be denied, nor concealed, that partial insanity may subsist with general intelligence. A few years since, a gentleman came from Buxton to Manchester to consult me. He had been sent by his physician to use the bath, and to drink the waters of that place: but some gouty symptoms supervening, he was unwilling to proceed in the course enjoined him, without further advice. I received from him a well-connected, minute, and rational account of his complaint; and after giving such directions as the case seemed to require, I arose to take my leave of him. He desired me to sit down again, and told me he had lately read the MORAL TALES, which I had published; and from a little experiment related in one of them, hoped that I had made the nature of sound a particular object of my study. I have a friend, continued he, who is constantly tortured, whenever he travels, with the most distracting noise in his ears; a noise produced by an instrument in the possession of his implacable enemy. On expressing my disbelief of the possibility of such a fact, he averred the truth of it with much emotion; informed me that he was himself the sufferer; described, in the most lively manner, the acute pains which he felt in his ear; and charged the bishop of —, in consequence of a family quarrel, with being the author of them. I was now fully aware of my patient's mental infirmity, and instead of attempting to reason with him about the delusion of his imagi-

nation, I tried to sooth him with the hope that the bishop of —, whom I had the honour of personally knowing, might be prevailed with to discontinue the exercise of so extraordinary a power of torture. But finding it impossible to give him comfort by inspiring expectations, which he rejected as groundless and absurd, I had the good fortune to suggest a mode of relief that perfectly coincided with his own ideas. The painful impression, said I, produced by the bishop on your ear, must considerably depend upon the state of that organ; and if you can diminish its sensibility, and deaden the vibrations of the tympanum, you may again be restored to some degree of ease and enjoyment. A little olive oil poured twice or thrice every day into your ears will, in all probability, completely answer these purposes; if it do not, a small quantity of opium may be combined with it. He listened to me with eager attention; joy sparkled in his eyes at the suggestion of a remedy, which excited his hope and confidence; and I left him under the most happy conviction, that he might now set his ideal enemy at defiance.

This case recalls to my memory the very singular and affecting one of Mr. Simon Browne, of which it may not be unseasonable to give a short recital. He was a dissenting clergyman of exemplary life, and eminent intellectual abilities; but having been seized with melancholy, he desisted from the duties of his function, and could not be persuaded to join in any act, either of public or of private worship. The



reason which, after much importunity, he assigned for this change in his conduct, was, “that he  
“had fallen under the displeasure of God, who  
“had caused his rational soul gradually to perish,  
“and left him only an animal life, in common with  
“brutes; that it was therefore profane in him to  
“pray, and improper to be present at the prayers of  
“others.” In this opinion he remained inflexible, at the time when all the powers of his mind seemed to subsist in full vigour; when his judgment was clear, and his reasoning strong and conclusive. For at this period he published a defence of the *Religion of Nature*, and of the *Christian Revelation*, in answer to *Tindal’s Christianity as old as the Creation*: and the work is universally allowed to be the best which that celebrated controversy produced. But in a dedication of it to Queen Caroline, which some of his friends found means to suppress, he displays the very extraordinary phrensy under which he laboured. Speaking of himself, he informs her Majesty, “that  
“by the immediate hand of an avenging God, his  
“very thinking substance has, for more than seven  
“years, been continually wasting away, till it is  
“wholly perished out of him, if it be not utterly  
“come to nothing.”

This remarkable and humiliating example of vigour and imbecility, rectitude and perversion of the same understanding, I have related on the authority of Dr. Hawkesworth,\* who has preserved the entire

\* See the *Adventurer*.

copy of the dedication, from which only a brief extract is here made. Our ignorance of the history of Mr. Browne renders it impossible to trace to its source this mental malady. But there is reason to presume, that it originated from some strong impression, and subsequent invincible association, connected with, or perhaps producing, a change in the organization of the brain. Perhaps, having acquired an early predilection for the writings of Plato, he might afterwards, in some season of hypochondriacal dejection, fall into the gloomy mysticism of the later followers of that amiable philosopher: for Plotinus, who flourished in the third century after the Christian æra, taught that the most perfect worship of the Deity consists, not in acts of veneration and of gratitude, but in a certain self-annihilation, or total extinction of the intellectual faculties.\*

I am inclined to believe, that the celebrated M. Pachel laboured under a species of insanity, towards the conclusion of his life, similar to that of Mr. Simon Browne: and having hazarded such a surmise, it is incumbent on me to shew on what it is founded. This very extraordinary man discovered the most astonishing marks of genius in his childhood; and his progress in science was so rapid, that at the age of sixteen he wrote an excellent treatise of Conic Sections. He possessed such a capacious and retentive memory, that he is said “never to have for-

\* See Collier's Hist. Dict. Also, Maclaurin's Account of Sir Isaac Newton's Discoveries, p. 397.

“ gotten any thing which he had learned.” And it was his practice to digest and arrange in his mind a whole series of reflections before he committed them to writing. This power was at once so accurate and extensive, that he has been heard to deliver the entire plan of a work, of which he had taken no notes, in a continued narration, that occupied several hours. But it is related by the editor of his *Thoughts on Religion and other subjects*,\* “ that it pleased God so to touch his heart, as to let him perfectly understand, that the Christian religion obligeth us to live for God only, and to propose to ourselves no other object.” In consequence of this persuasion, he renounced all the pursuits of knowledge, and practised the most severe and rigorous mortifications ; living in the greatest penury, and refusing every indulgence which was not absolutely necessary for the support of life. It appears from some of his pious meditations, that this resolution of mind proceeded from the visitation of sickness. And the following solemn addresses to the Deity clearly indicate an imagination perverted by the most erroneous associations:—

“ O LORD, Thou gavest me health to be spent in serving Thee, and I applied it to an use altogether profane. Now Thou hast sent sickness for my correction.—I know, O LORD, that at the instant of my death, I shall find myself entirely separated from the world, stripped naked of all things, standing alone before Thee, to answer to thy justice

\* See the Preface to that Work.

“ concerning all the motions of my thoughts and  
“ spirits. Grant that I may look on myself as dead  
“ already, separated from the world, stripped of all  
“ the objects of my passion, and placed alone in thy  
“ presence. I praise Thee, O God, that Thou hast  
“ been pleased to anticipate the dreadful day, by  
“ already destroying all things to my taste and  
“ thoughts, under this weakness, which I suffer from  
“ thy providence. I praise Thee, that Thou hast  
“ given me this divorce from the pleasures of the  
“ world.” Was it consonant with soundness of understanding, for a man to take a sudden disgust at all the liberal studies, and innocent enjoyments, which had before engaged and gratified his mind? And was it not as much the fiction of a distempered fancy, that God enjoined poverty, abstinence, and ignorance, to one possessing rank, fortune, and the noblest endowments of the mind; as the belief of Simon Browne, that he was divested of that rationality, which at the same time he so eminently displayed? Whenever false ideas, of a practical kind, are so firmly united as to be constantly and invariably mistaken for truths, we very justly denominate this unnatural alliance **INSANITY**. And if it give rise to a train of subordinate wrong associations, producing incongruity of behaviour, incapacity for the common duties of life, or unconscious deviations from morality and religion, **MADNESS** has then its commencement.

In the foregoing examples, the force of habit and association is clearly manifest: and man, whilst under



the influence of their authority, however despotic or perverted, still retains a capacity for action and enjoyment, though he ceases to be a rational or moral agent. But the suspension of their operation stops at once all the movements of the mind, and seems to annihilate every energy of the understanding, the affections, and the will. On the 25th of October, 1778, a sea-faring person, about forty years of age, was recommended as a patient to the Lunatic Asylum in York.\* During his abode in the hospital, he was never observed to express any desire for sustenance, or to shew any preference of it to his medicines. The first six weeks after his admission, he was fed in the manner of an infant; a servant undressed him at night, and dressed him in the morning; after which he was conducted to his seat in the common parlour, where he remained all day, with his body bent, and his eyes fixed upon the ground. Every thing was indifferent to him; and he was regarded by all about him as endued with little more than vegetable life. In this state of insensibility he remained five years and six months. But, the 14th of May, 1782, on his entrance into the parlour, he saluted the convalescents with the words, *Good-morrow to you all*. He then thanked the servants of the house in the most affectionate manner for their tenderness to him, of which he had begun to be sensible some weeks before,

\* This case was lately transmitted to me, by my friend Dr. Hunter, of York, to be communicated to the Literary and Philosophical Society of Manchester. I have given only an abridgment of it.

but till then had not resolution to express his gratitude. A few days after this unexpected recovery, he was permitted to write a letter to his wife, in which he expressed himself with becoming propriety. At this time he seemed to take peculiar pleasure in the enjoyment of the open air, and in his walks conversed with freedom and serenity. On making inquiry concerning what he felt during the suspension of his intellectual and sensitive powers, he replied, that his mind had been *totally lost*; but that about two months before his full restoration to himself, he began to have thoughts and sensations, which at first served only to excite in him fears and apprehensions, especially in the night-time. On the 28th of May, 1782, he returned to his family, and has now the command of a ship employed in the Baltic trade.

*SECTION II.*

1. IT is highly instructive, as well as curious, to contemplate the progressive influence of particular associations on the affections and the judgment, as they gradually acquire the force of habit by time, and vividness by frequent renewal. Dr. Swift, in a letter to Lord Bolingbroke, dated 1729, expresses himself in the following terms: “ I remember, when  
“ I was a little boy, I felt a great fish at the end of  
“ my line, which I drew up almost on the ground,  
“ but it dropt in, and the disappointment vexes me  
“ to this very day, and I believe it was the type of  
“ all my future disappointments.” This little incident, perhaps, gave the first wrong bias to a mind predisposed to such impressions; and by operating with so much strength and permanency, it might possibly lay the foundation of the Dean’s subsequent peevishness, passion, misanthropy, and final insanity. The quickness of his sensibility furnished a sting to the slightest disappointment; and pride festered those wounds which self-government would instantly have healed. As children couple hobgoblins with darkness, every contradiction of his humour, every obstacle to his preferment, was by him associated with ideas of malignity and evil. By degrees, he acquired a

contempt of human nature, and a hatred of mankind, which, at last, terminated in the total abolition of his rational faculties.

This is no exaggerated picture, and we have the Dean's own authority for its accuracy. "The chief end," says he, in a letter to Mr. Pope, "I propose to myself in all my labours, is to vex the world, rather than divert it; and if I could compass that design, without hurting my own person or fortune, I would be the most indefatigable writer you have ever seen. I have ever hated all nations, professions, and communities; and all my love is towards individuals. For instance; I hate the tribe of lawyers, but I love Counsellor such a one, and Judge such a one. 'Tis so with physicians, (I will not speak of my own trade,) soldiers, English, Scotch, French, and the rest. But principally I hate and detest that animal called man, although I heartily love John, Peter, Thomas, and so forth. This is the system upon which I have governed myself many years, (but do not tell,) and so I shall go on till I have done with them."\*

This letter is not written in a strain which will suffer the most indulgent critic to ascribe it to jocularity. And in the epitaph which the Dean composed for himself long afterwards, and which is inscribed on his monument in the cathedral of St. Patrick's, he has left a solemn and decisive memorial of his misanthropy.

\* Pope's Works, vol. ix. lett. 24.



HIC DEPOSITUM EST CORPUS  
JONATHAN SWIFT, S. T. P.

UBI SEVA INDIGNATIO  
ULTERIUS COR LACERARE NEQUIT,  
&c.

The strongest tint in the complexion of the human character may be sometimes formed by a circumstance or event apparently casual; which, by forcibly impressing the mind, produces a lasting association, that gives an uniform direction to the efforts of the understanding, and the feelings of the heart.

Dr. Conyers Middleton, one of the most learned, various, and elegant writers of the present age, is said to have been much more addicted, in the early part of his life, to music than to science. But he was roused from his favourite amusement, and stimulated to the closest application to study, by a sarcasm of his rival and enemy, the celebrated Dr. Bentley, who stigmatized him with the name of *fidler*.<sup>\*</sup> And indignation made him eager to convince the Doctor and the world that he could *write* as well as *fiddle*; a conviction, of which his opponent had afterwards the most painful experience.<sup>†</sup>

The author of the *Night Thoughts*, a poem which contains the tenderest touches of nature and passion, and the sublimest truths of morality and religion, intermixed with frivolous conceits, turgid obscurities, and gloomy views of human life, wrote that work under the recent pressure of sorrow for the loss of his

<sup>\*</sup> Gent. Mag. 1773, page 387.

<sup>†</sup> British Biog. vol. ix.

wife, and of a son and daughter-in-law, whom he loved with paternal tenderness. These several events happened within the short period of three months, as appears from the following apostrophe to death:

“Insatiate archer! could not *one* suffice?

“Thy shaft flew *thrice*; and *thrice* my peace was slain;

“And *thrice*, ere *thrice* yon moon had fill’d her horns.”\*

But though time alleviated this distress, his mind, probably, acquired from it a tincture of melancholy, which continued through life, and cast a fable hue even on his very amusements. The like disposition also discovered itself in his rural improvements. He had an alcove in his garden, so painted as to seem at a distance furnished with a bench or seat, which invited to repose; and when, upon a nearer approach, the deception was perceived, this motto at the same time presented itself to the eye—

*Invisibilia non decipiunt.*

The things unseen do not deceive us.†

The following witty allusion bears the marks of a similar turn of thought. The Doctor paid a visit to Archbishop Potter’s son, then rector of Chiddinstone, near Tunbridge. This gentleman lived in a country, where the roads were deep and miry; and when Dr. Young, after some danger and difficulty, arrived at his house, he inquired, “Whose field is that which I “have crossed?” “It is mine,” answered his friend.

\* Night Thoughts.

† British Biography, vol. ix.

“True,” said the Poet, “*Potter’s field, to bury  
“strangers in.”*”\*

II. It is a very important office of education to guard the understanding against the union of ideas which have no natural or proper connection. Yet this object is less attended to than any other; and we often find men distinguished for genius, erudition, and even strength of mind, warped by the false conceptions, and governed by the prejudices of puerility. Creduloufness is the concomitant of the first stages of life; and is indeed the principle on which all instruction must be founded. But it lays the mind open to impressions of error, as well as of truth: and when suffered to combine itself with that passion for the marvellous which all children discover, it fosters the rankest weeds of chimera and superstition; rooting firmly in the mind *all that the nurse, and all the priest have taught*. Hence the awful solemnity of *darkness visible*, and of what the poet has denominated *a dim religious light*: together with the terrors of evil omens, of haunted places, and of ghastly spectres:

“Of calling shapes, and beckoning shadows dire;

“And airy tongues, that syllable men’s names

“On sands, and shores, and desert wildernesses.”†

History presents us with few characters superior to those of Henry the Fourth of France, and his prime minister the Duke of Sully. But notwithstanding the wisdom, knowledge, and discernment of these great

\* Gent. Mag. July 1781, p. 319.

† Milton’s *Comus*.

men, they appear on several occasions to have been actuated by their juvenile associations in favour of astrology. What can be more foreign to the events of human life, what less adapted to excite fear or hope in the mind of an intelligent man, than the aspect of a distant star, or the variegated lines of his hand? Yet Sully confesses, that an early prepossession had made him weak enough to give credit to predictions derived from this fanciful origin: and though he informs us that the king, his master, was of opinion religion ought to inspire a contempt of such prophecies, the conversation which he relates at the same time, evidently betrays Henry's confidence in them. This matter is put beyond dispute by an incident which occurred soon after the birth of the Dauphin; the particulars of which I shall recite from the memoirs of this excellent writer.

“ La Rivière was the king's first physician,\* a man  
 “ who had little more religion than those generally  
 “ possess who blend it with judicial astrology. Henry  
 “ already felt a tenderness for his son, which filled him

\* It should seem that astrology was considered formerly as an essential part of the learning of a physician; for Chaucer, in the prologue to the *Canterbury Tales*, has thus characterized him:

“ With us there was a doctor of physik,  
 “ In al the worlde was ther non hym lyk,  
 “ To speke of physik and of surgerye;  
 “ For he was groundit in astronomy.  
 “ He kept his pacient a ful gret del  
 “ In hourys by his magyk naturel;  
 “ Wel couth he fortunen the ascendent  
 “ Of his ymagys for his pacient.”



“ with an eager anxiety to know his fate; and having  
“ heard that La Riviere succeeded wonderfully in  
“ his predictions, he commanded him to calculate  
“ the Dauphin’s nativity with all the ceremonials of  
“ art. To aid this business, he had carefully sought  
“ for the most accurate watch which could be pro-  
“ cured; that the precise moment of the prince’s  
“ birth might be exactly ascertained. About a fort-  
“ night afterwards, the king and Sully being alone  
“ together, their conversation turned upon the pre-  
“ diction of the astrologer La Brosse, concerning his  
“ majesty. This renewed Henry’s solicitude with  
“ respect to his son; and he ordered La Riviere to  
“ be called. ‘ Monsieur La Riviere,’ said the king,  
“ what have you discovered relative to the Dauphin’s  
“ destiny?” “ I had begun my calculations,” replied  
“ Riviere, “ but I left them unfinished, not caring  
“ to amuse myself any longer with a science which I  
“ have always believed to be in some degree cri-  
“ minal.” The king, dissatisfied with this answer,  
“ commanded his physician to speak freely, and with-  
“ out concealment, on pain of his displeasure. La  
“ Riviere suffered himself to be pressed still longer;  
“ but at last, with an air of apparent discontent, he  
“ delivered himself in the following terms: ‘ Sire,  
“ your son will complete the common period of  
“ human life, and will reign longer than you shall do;  
“ but his turn of mind will be widely different from  
“ yours. He will be obstinate in opinion, often  
“ governed by his own whims, and sometimes by

“ those of others. Under his administration it will  
 “ be safer to think than to speak. Impending ruin  
 “ threatens your former society. He will perform  
 “ great exploits, be fortunate in his designs, and make  
 “ a distinguished figure in Europe. There will be a  
 “ vicissitude of peace and war in his time. He will  
 “ have children, and after his death affairs will grow  
 “ worse and worse. This is all you can know from  
 “ me,” concluded La Riviere, “ and more than I had  
 “ I resolved to tell you.” His Majesty and the Duke  
 “ of Sully remained a long time together, making re-  
 “ flections on the words of the astrologer, which left  
 “ a strong impression on the mind of the king.”

III. LUDICROUS ASSOCIATIONS, not founded in  
 truth or nature, are peculiarly unfavourable to the  
 principles and practice of virtue and religion. Reason,  
 especially during the period of youth, affords but a  
 feeble barrier against the attacks of ridicule; and the  
 mind that is enslaved by its influence, may be so far  
 deluded or depraved, as to lose the susceptibility of  
 good impressions, or to contemplate the most amiable  
 moral affections with derision, shame, and even disgust.

----- “ Here subdued  
 “ By frontless laughter, and the hardy scorn  
 “ Of old unfeeling vice, the abject soul  
 “ With blushes half resigns the candid praise  
 “ Of temperance and honour; half disowns  
 “ A free man’s hatred of tyrannic pride;  
 “ And hears with sickly smiles the venal mouth  
 “ With foulest licence mock the patriot’s name.”\*

\* Akenfide’s Pleasures of Imagination, book iii.

The celebrated Dr. Pitcairn was no less distinguished for wit than learning. It is recorded, that as he passed one day along the streets, he beheld the affecting spectacle of a mason killed by the fall, and buried in the ruins, of a chimney, which he had just completed. "Blessed are the dead who die in the LORD," said he, "for they rest from their labours, and their works follow them." Such a humorous conjunction of resembling yet incongruous ideas probably stifled in his breast the sentiments of compassion: and I have been informed by a very humane friend, that on the relation of a melancholy event, similar in its circumstances, the recollection of this ludicrous remark substituted in his mind emotions of laughter for those of commiseration.

The natural propensity of Dean Swift led him to the indulgence of this species of drollery, very much to the prejudice of every finer feeling of the heart. In one of his letters he laments the mortal illness of his amiable friend Arbuthnot; but mixes with his expressions of sorrow certain whimsical reflections, which convert his mourning into grimace. "There is a passage in Bede," says he to Mr. Pope, "highly commending the piety and learning of the Irish in that age; where, after abundance of praises, he overthrows them all, by lamenting, that alas! they kept Easter at a wrong time of the year. So our Doctor has every quality and virtue that can make a man amiable or useful; but *alas!* he hath a *sort of slouch in his walk*. I pray God

“ protect him, for he is an excellent Christian, though  
“ not a Catholic.”\*

When the mind has been long habituated to the assemblage of ludicrous ideas, they recur on very improper occasions, not only spontaneously, but even in despite of every effort of the judgment and the will. In this state, elevation of thought and dignity of character are unattainable; and seriousness, when assumed, is always marked with some glaring and risible inconsistency. Swift, in his last testament, bequeaths three old hats, and other still more trifling and absurd legacies, with farcical solemnity: and the celebrated Hogarth could not help displaying traits of humour in his gravest historical paintings. I have heard it remarked by one who was sometimes the companion of his walks, that he would interrupt the most interesting conversation to laugh at any oddity which presented itself, and that his eyes were constantly cast about in search of objects singular and diverting. When a man of this turn applies himself to books, it is not instruction or rational criticism, but hilarity, that is his pursuit: and he finds food for his prevailing appetite, equally palatable, both in the beauties and the blemishes of his author. For Tully has well observed, that the *verbum ardens*, the glowing boldness of expression which sublimity of sentiment inspires, may be easily rendered ludicrous by an illiberal paraphrase. Even entire productions of some of the best writers have been thus misrepresented

\* Pope's Works, vol. ix. lett. 11.



and deformed, for the purpose of merriment, under the title of Travesties: and the bulk of mankind are readily deceived into the belief that what gives rise to laughter is in itself ridiculous. For this reason, a reader of sensibility, who has the interest of virtue and religion at heart, will peruse with pain and disgust the *Meditations on a Broomstick, written according to the style and manner of the Honourable Robert Boyle*.\*

“To what a height,” says Lord Orrery, “must the spirit of sarcasm arise in an author, who could prevail upon himself to ridicule such a man as Mr. Boyle! But the sword of wit, like the scythe of time, cuts down friend and foe, and attacks every thing that accidentally lies in its way.” It must be confessed, however, that this great and good philosopher has indulged in his theological writings certain conceits, which will draw a smile from his warmest admirers. A zeal to promote the habit of pious and moral reflections has sometimes tempted him to force ideas into the most unnatural alliance; and to deduce very important analogies from objects or circumstances not only incongruous, but low and contemptible. Thus, from the stumbling of a horse in a good road, he infers the danger of prosperity; from being let blood in a fever, he justifies the wisdom of the Deity, in depriving his creatures of spiritual superfluities; and from a distaste of the syrups prescribed by his physician, he concludes that the good things of life are not objects of envy, because

\* Swift's Works, vol. v. p. 372.

not always relished as enjoyments. But I feel a reluctance to point out such trivial exuberances in the works of Mr. Boyle. It is ungenerous to injure the well-earned wreath of laurel which he wears, by fastidiously culling a few solitary leaves that are withered. We should remember also, that dignity and meanness, grace and vulgarity, have, in many instances, no fixed standard; and are dependent on certain accessory associations, which vary in different countries, at different periods of time, and with different persons even of the same age and place. Jacob is represented in the holy scriptures, as calling his sons together before his death, to deliver to each of them his benediction; and in the language of metaphor and prophecy, he says, *Iffachar is a strong ass, couching down between two burdens*: from which it appears, that this animal was not then regarded as a symbol of stupidity and insignificance. Ajax, retreating between two armies, is compared by Homer to the lion for undaunted courage, and to the ass for sullen and unyielding slowness.\* But Mr. Pope, in his translation, has omitted the latter allusion, to accommodate his word to the state of modern opinion. The same sublime poet exhibits the awful uncertainty of victory, in the engagement between the Greeks and Trojans, by the image of a poor woman weighing wool in a pair of scales; and Eustathius says it was a tradition, that Homer derived this simile from the occupation of his mother, who maintained herself by

\* Iliad, lib. xi.

such manual labour.\* But a still more remarkable comparison occurs in the writings of this ancient bard: for Ulysses, toiling about through the whole night, with restless anxiety, is likened to a fat pudding frying on the fire.† Even Virgil, whose elegance and correctness are universally acknowledged, has drawn the similitude of a queen (Amata, the wife of king Latinus) under the violence of passion, from a company of boys whipping a top.‡

I do not recollect one coarse allusion or low image in the whole poem of *Paradise Lost*; though several contained in it are fantastical, being derived from the fictions of heathen mythology. But it is more than probable that Milton, when translated by foreigners, will not appear to deserve the character of undeviating dignity. For the correspondent terms, in other languages, may have secondary ideas of meanness affixed to them, from which in the original they are exempt. The same remark is applicable to other works; and it is particularly to be wished that the books of the Old and New Testament, in the common version, were always perused with a candid attention to it.

I have been told of a picture, which exhibits a burlesque view of the tablature, representing the judgment of Hercules. The young hero is painted as a tall grenadier, Virtue as a methodist preacher, and Pleasure as a drunken strumpet. The parody, if this term can be applied to painting, may answer

\* See the Notes of Dacier, Pope, and other commentators.

† Od. lib. xxi.

‡ Æn. lib. vii.

the purpose of exciting laughter, but will counteract in the spectator's mind all the beneficial effects of the most instructive and philosophical apologue of antiquity.

“ Discit enim citius, meminitque libentius illud,  
 “ Quod quis deridet, quam quod probat et veneratur.”

HOR.

PARODY is a favourite flower both of ancient and of modern literature.\* It is a species of ludicrous composition, which derives its wit from association; and never fails to produce admiration and delight, when it unites taste in selection with felicity of application. Even licentious specimens of it move to laughter; for we are always inclined to be diverted with mimicry, or ridiculous imitation, whether the original be an object of respect, of indifference, or of contempt. A polished Athenian audience heard, with bursts of mirthful applause, the discourses of the venerable Socrates burlesqued upon the stage; and no Englishman can read the *Rehearsal*, without smiling at the medley of borrowed absurdities which it exhibits. Mr. Pope's *Dunciad*, and *Rape of the Lock*, abound with the most admirable parodies; but some of them may appear, to a religious mind, chargeable with levity and profaneness. I shall quote an example, both of the excellent and exceptionable; as the beauty of the one, and the fault of the other, equally relate to the subject of the present essay.

\* See Diog. Laertius, Lucian. Dialog., Boileau, Cervantes, Butler, Swift, &c. &c.



When the fatal rape was committed by the baron on Belinda's Lock, she is represented as attempting to revenge herself by her bodkin:—

“ Now meet thy fate, incens'd Belinda cry'd,  
 “ And drew a deadly bodkin from her side.  
 “ The same, his ancient personage to deck,  
 “ Her great great grandfire wore about his neck,  
 “ In three seal rings; which after, melted down,  
 “ Form'd a vast buckle for his widow's gown:  
 “ Her infant grandame's whistle next it grew,  
 “ The bells she jingled, and the whistle blew;  
 “ Then in a bodkin graced her mother's hairs,  
 “ Which long she wore, and now Belinda wears.”\*

The unlearned reader will be struck with this splendid genealogical description of an insignificant bodkin: but he who is versed in the writings of Homer, will peruse it with additional delight, from the recollection of the analogy which it bears to the progress of Agamemnon's sceptre. In the third canto of the incomparable poem above referred to, a game of ombre is described with all the *pathos* and solemnity which the heroic muse can call forth; and the cards in Belinda's hand being pompously enumerated, viz.

. . . . : “ Four kings, in majesty rever'd,  
 “ With hoary whiskers, and a forky beard:  
 “ And four fair queens, whose hands sustain a flow'r,  
 “ Th' expressive emblem of their softer power.”

The two following lines succeed—

“ The skilful nymph reviews her force with care,  
 “ *Let spades be trumps! she said; and trumps they were.*”

This parody of one of the most sublime passages in the Old Testament, *And God said, Let there be light, and there was light*, may, I think, be justly deemed reprehensible; as it tends to connect a ludicrous idea with that Being who ought never to be thought of but with reverence.\* But should this remark appear to be an overstrained refinement, it will be acknowledged that, in less dignified cases, very slight associations of the burlesque kind have an astonishing effect on the sentiments and taste of those who form them. When Thomson's tragedy of *Sophonisba* was first represented on the stage, the highest expectations were formed of its theatrical merit. But a waggish parody on the following line,

“O! Sophonisba! Sophonisba! O!”

\* Pope seems to have been peculiarly fond of allusions to this passage of the Old Testament; but has been a little unfortunate in the application of them. The truth is, that the sentiment is too sublime either for burlesque or for compliment: and the extravagance of these lines, in his epitaph on Sir Isaac Newton, offends almost equally with the parody quoted above:—

“Nature, and Nature's laws, lay hid in night;

“*God said, Let Newton be!* and all was light!”

This hyperbolic encomium is such a profanation of sacred writ to monumental flattery, that it was justly satirized in the following epigram, written by a young man, who has disclosed only the initials of his name:—

“If Newton's existence enlighten'd the whole,

“What part of expansion inhabits the fool?

“If light had been total, as Pope hath averr'd,

“I. T. had been right, for he could not have err'd;

“But Pope has his faults, so excuse a young spark;

“Bright Newton's deceas'd, and we're all in the dark.”

damned the reputation of the play, and for a while the town echoed with

O! Jemmy Thomson! Jemmy Thomson, O!\*

It happened not long since, that a person of mean rank was elected provost, or chief magistrate, of Aberdeen. In the first moments of elevation, and whilst receiving the congratulations of his friends, he laid his hands upon his breast, and very emphatically declared, that *after all he was but a mortal man*.

Is it possible for any one, under the impression of this ludicrous story, to read without smiling the fact related by Ælian, and quoted with great applause by many other historians, viz. that Philip king of Macedon kept a person in his service, whose office it was to deliver to him daily the following admonition, *Remember, Philip, that thou art mortal!* Perhaps if such an incident had occurred in Greece, during the reign of that monarch, it might have turned into ridicule the admiration in which his institution was held, by exposing at once the absurdity, pride, and affected humility, on which it was founded.

The people improperly, because opprobriously, called Quakers, certainly merit a very high degree of esteem from their fellow-citizens, on account of their industry, temperance, peaceableness, and catholic spirit of charity. For notwithstanding the enthusiastic pretensions of their founders to superior sanctity and Divine inspiration, they disclaimed all dominion

\* Johnson's Lives of the Poets; Article—Thomson.

over faith and conscience: and Barclay, their learned apologist, wrote ably in defence of religious liberty; whilst Penn, as a law-giver and civil magistrate, established it, on the broadest foundation, in his new government of Pennsylvania.\* At a period, when bigotry and persecution were predominant through the Christian world, such rational sentiments and liberal conduct reflect the highest honour on this sect. But the singularity of their apparel, manners, and forms of worship, has exposed them to the keenest shafts of ridicule. And however illiberally and unjustifiably such offensive weapons may have been employed, they would in all probability have prevailed, if the converts and youth of this sect had not been fortified against them by the most unremitting strictness of their institutions. These are admirably calculated to correct, or to prevent, all ludicrous associations; and to suppress, if possible, the very principle of laughter, as inconsistent with the *serious-*

\* This venerable man was suspected of being a papist in disguise, owing to the favour shewn him by King James II. To obviate so unjust an opinion, several letters were written by him to Dr. Tillotson, then dean of Canterbury, who, amongst others, had adopted it; and in one of them he thus expresses himself. "I know not a jesuit or a priest in the world: and yet I am catholic, though not a Roman. I have bowels for mankind, and dare not deny others, what I crave for myself, I mean, liberty for the exercise of my religion; thinking faith, piety, and providence, a better security than force; and that, when truth cannot prevail with her own weapons, all others will fail her. I am no Roman Catholic, but a Christian, whose creed is the Scripture, of the truth of which I hold a nobler evidence than the best Church authority in the world."—Brit. Biog. vol. vii.



*ness, gravity, and godly fear of the Gospel.\** It is astonishing to observe, in a large body of people, the efficacy of a set of practical maxims, utterly repugnant to nature: and the influence of them is early visible, even in their children, who display an invincible steadiness of countenance and deportment, under circumstances which cover others of the same age, but differently educated, with the blushes of bashful confusion. But there is now an increasing relaxation of discipline amongst the members of this respectable community; and their distinguishing modes will gradually cease, as they become more and more combined with the painful ideas of obloquy and derision in the minds of those who adopt them.

Piety to GOD, whether it respects the inward sentiments and affections of the soul, or the outward expressions of them in homage and prayer, ought to elevate us far above the reach of raillery, or the influence of low and ludicrous associations. But unhappily, both the principle and practice of devotion are too often debased by superstition, deformed by enthusiasm, and counterfeited by hypocrisy: and as these constitute legitimate objects of ridicule and contempt, the sterling value of piety itself becomes depreciated by the union of a base and foreign alloy. Such numbers *draw near to the Deity with their lips, whilst their hearts are far from Him*, that a noble writer has sarcastically observed, “If we are told a man is religious, we still ask, what are his morals?”

\* Barclay's Apology for the Quakers, p. 136.

“ But if we hear at first that he has honest morals,  
 “ and is a man of natural justice and good temper,  
 “ we seldom think of the other question, whether he  
 “ be religious and devout.”\* These are considerations, which operate powerfully on the mind: and if they be strengthened by the ideas of ungraceful gestures, dissonant tones of voice, or other extravagancies in devotion, such a degree of timidity and false delicacy may be created, as entirely to depress the fervour which these exercises are adapted to excite. Prayer may then be performed as a duty, but will not be felt as a privilege; and the creature will even blush at the highest honour he can enjoy, that of holding communion with his Creator. Many an ingenuous youth has been despoiled of this glorious distinction of humanity by the sneers and jests of his companions: and of the military profession it is said, that an officer would rather face the mouth of a cannon, than be found privately in the posture of supplication. Dr. Swift seems to have been governed, in his religious observances, by some such ill-grounded association. His constant presence at church, whilst he resided at the deanery of St. Patrick’s, he knew would be expected; but he was sedulously careful to conceal whatever had the appearance of voluntary devotion. When he was in London, therefore, he never attended divine service but at a very early hour in the morning: and though he practised family prayer in his house, his servants

\* Lord Shaftesbury’s Characteristics.

assembled, as it were, by stealth ; so that Dr. Delany lived six months with him before he discovered it.\*

I hope it will not be understood from what has been advanced on the topic of ludicrous associations, that I am averse to laughter, or an enemy to wit and pleasantry. Human life, without their exhilarating influence, would be a scene of anxious care or phlegmatic dulness. Nor is the harsher controul of ridicule to be wholly condemned or rejected. It is necessary to restrain the irregular sallies of folly ; and, as these often proceed from a lively imagination, the sense of it is happily acutest, where its correction is most required.

IV. There are few people who have not, at particular seasons, experienced the effect of certain accidental associations which obtrude one impertinent idea, or set of ideas, on the mind, to the exclusion of every other. Mr. Locke has noticed this weakness, and he humorously describes it, “ as a childishness of the understanding, wherein, during the fit, it plays with and dandles some insignificant puppet, without any end in view.”† Thus a tune, a proverb, a

\* Brit. Biog. vol. viii. Johnson’s Lives of the Poets; article Swift. —Dr. Swift furnishes an excellent subject for the moral anatomist. His life was eventful; his passions were various and strong; and his sensibilities acute in the extreme. Self-indulgence gave every spring to action, within him, its full power; and pride prevented the concealment of its operation. Hence the motives, which directed his conduct, were seldom either extraneous or complex; and they are generally easy to be traced to their source.

† Lock’s Conduct of the Understanding.

scrap of poetry, or some other trivial object, will steal into the thoughts, and continue to possess them long after it ceases to be amusing. Persuasives to dismiss a guest that proves so troublesome can hardly be necessary; and bodily exertion is generally the best remedy for this mental infirmity. But there is another state of mind dependent on the laws of association, which is more dangerous, because it invites to indulgence. It consists in reveries, gay visions of fancy, the creation of air-built castles, and cobweb *hypotheses*. Men of genius alone are incident to these flattering delusions; and they too often implicitly give way to them. But in proportion as they prevail, reason and judgment are impaired, study becomes formal dullness, activity toilsome, and the necessary offices of life are neglected. Thomson has thus beautifully pictured such a character:—

“ There was a man of special grave remark;  
 “ A certain tender gloom o’erspread his face,  
 “ Pensive, not sad, in thought involv’d, not dark;  
 “ As sweet this wight could sing as morning lark,  
 “ And teach the noblest morals of the heart:  
 “ But these his talents were y’ buried stark.  
 “ To noon-tide shades incontinent he ran,  
 “ Where purls the brook with sleep-inviting sound,  
 “ There would he linger till the latest ray  
 “ Of light sat trembling on the welkin’s bound.  
 “ Oft has he travers’d the cœrulean field,  
 “ And mark’d the clouds, that drove before the wind;  
 “ Ten thousand glorious systems would he build,  
 “ Ten thousand great ideas fill’d his mind;  
 “ But with the clouds they fell, and left no trace behind.”

CASTLE OF INDOLENCE, Canto I.



V. It has been remarked, that gamblers, sailors, and others who are under the influence of what is vulgarly, but very improperly, termed *chance*, that is, of causes not within the reach of human power to direct, nor of human sagacity to discern, are extremely prone to superstition. Their hopes and fears, their confidence and despair, are founded on circumstances which bear only a fanciful relation to the events that are to come. Imagination connects the ideas of magnitude and importance with the slightest causes, which are viewed in obscurity, as objects appear largest to our senses during twilight. A gambler lays great stress on the luck of a feat, or the shake of a die: and I remember in crossing a ferry, whilst it was very calm, the boatman whistled more than three hours a particular set of notes, to forward the motion of his vessel, crying out at short intervals, *Blow, good wind, blow; blow a brisk gale!* and if a gentle gale sprung up, he redoubled his efforts in the fullest assurance of success. The absolute trust, reposed in empirical medicines, arises from a similar deception; and the miraculous operation often ascribed to them, even by persons of judgment and education, is a proof of the astonishing power of wrong associations. The wise Emperor Marcus Aurelius was so firmly persuaded of the efficacy of a certain antidote, called *theriaca*, to resist every species of poison, that he made use of it daily, to the great injury of his health; for his head became affected to such a degree that he dozed in the midst of business;

and when opium was left out of the composition, an obstinate watchfulness ensued.\*

The same principle of associations explains the dogmatism of the critic and the antiquarian, whose positiveness respecting the construction of a sentence, or the letters of a worn-out inscription, is often in exact proportion to their uncertainty. When any one soars with great ardour into the regions of conjecture, the airy phantoms which he meets with will be contemplated by him as substantial realities; and he will pursue truth, not with a temperate and rational zeal, but with the blind enthusiasm of love; dignifying, like a passionate *inamorato*, every conceit of his mind, and admiring discoveries which exist nowhere but in his own brain. These reflections have been in part suggested by the perusal of the memoirs of Mr. Whiston; a man whose genius, learning, and integrity, might have placed him high in the scale of excellence, had he not suffered a perverted imagination to usurp the just authority of judgment. “The  
“warmth of his temper disposed him to receive any  
“sudden thoughts, any thing that struck his fancy,  
“when favourable to his preconceived scheme of  
“things, or to any new schemes of things, which  
“served, in his opinion, a religious purpose.”†  
With such propensities he wrote *An Essay on the Revelation of St. John*: and being appointed the following year (1707) to preach Mr. Boyle’s lectures,

\* Galen de Antidotis, lib. i. cap. 1.

† Mr. Collins.

he chose for his subject, the *accomplishment of Scripture prophecies*. In 1712, when Prince Eugene of Savoy was in England, he dedicated a work to him in which *he interpreted the end of the hour, and day, and month, and year, for the Ottoman devastations, (Apoc. ix. 15,) to have been put by his glorious victory over the Turks, September 1st, 1697, (O. S.) or the succeeding peace of Carlowitz, 1698.\** His favourite conceptions were now so strongly riveted in his mind, that he discerned clearly all the revolutions of past and future ages in the writings of the Prophets, or the Revelations of St. John. Such indeed was the ascendancy of these absurd associations over his understanding, that he gave entire credit to the impudent imposture of Mary Tofts, a woman of Godalmin, who pretended to be delivered of rabbits, because her monstrous births were deemed by him to be the exact completion of an old prediction in Esdras.†

In almost every case of wrong associations, the understanding either voluntarily suspends its controuling and directing power, or is deluded into a conformity with fancy; and the mind still retains a consciousness of freedom, and of moral agency. But there are certain habits which usurp, by *force*, the dominion of reason, and compel the will to gratify inordinate desires, by the choice of known evil in pre-

\* Prince Eugene seems to have been pleased with the honour of the discovery, that he was the object of so ancient a prediction; for he presented Mr. Whiston, on this occasion, with a purse of gold.—See Brit. Biog. vol. viii. p. 247.

† Gent. Mag. July, 1781, p. 321.

ference to acknowledged good. The lamentation of the poet, *video meliora proboque, deteriora sequor*, seems also to have been felt by St. Paul, who says, Rom. vii. 11, *That which I do, I allow not; for what I would, that I do not; but what I hate, that I do. If then I do that which I would not, I consent unto the law, that it is good. Now then it is no more I that do, but sin that dwelleth in me.* If an enlightened Apostle speak in such abasing terms of himself, with how much more truth and propriety might the same language have been adopted by a late advocate for the divine dispensation of the Gospel. For charity inclines me to hope, that the learned author of the *Christian Hero* wrote in consistency with, whilst he acted in opposition to, his most serious conviction. This work, Sir Richard Steele informs us,\* was composed by him principally with a view to contrast impressions of piety and virtue with the strong propensity which he experienced to licentious pleasures. For he says, even when rioting in scenes of debauchery, he was deeply conscious of the impropriety of his conduct, and condemned those unlawful gratifications which he had not resolution to renounce. His *Christian Hero*, however, whilst the treatise remained privately in his own hands, afforded but a weak and ineffectual check to his vicious pursuits. He therefore determined to publish it, that by thus placing himself in a new light before his acquaintance, he might be restrained from guilt by an explicit and

\* See his *Apology* for himself and his writings.



avowed testimony in favour of goodness. But it does not appear that this singular experiment proved successful. Steele forsook not his debaucheries; and by having affected the saint, he aggravated, in the opinion of his friends, his condemnation as a sinner. Yet Mr. Pope, who knew him well, justified him from the imputation of hypocrisy; and always regarded him as a real lover of virtue in *theory*, though a slave to vice in *practice*.\*

Many other examples might be adduced of the force of evil habits, and the pernicious influence of false associations, whether intellectual or moral; but to dwell long on the shades of the human character is apt to abate our benevolence to mankind, and to impair the principle of veneration towards the great Author of our nature. More pleasing would be the task, and I will add, more easy to, to vindicate the wisdom of the Divine laws, by shewing, that the power of habit, and the propensity to combine ideas together, are essential to the just constitution of the mind; and that without their well-regulated aid, knowledge would be unattainable, virtue a transient emotion or desultory act, and life itself a scene of indifference and insipidity.

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\* Ruffhead's Life of Pope, p. 493. Brit. Biog. vol. viii.



ON  
INCONSISTENCY OF EXPECTATION  
IN  
LITERARY PURSUITS.



"RETINUIT, QUOD EST DIFFICILLIMUM, EX SAPIENTIA  
"MODUM." TACIT. VIT. AGRICOL.





ON  
INCONSISTENCY OF EXPECTATION  
IN  
LITERARY PURSUITS.

---

“ He, who hath treasures of his own,  
“ May leave a cottage, or a throne;  
“ May quit the world to dwell alone,  
“ Within his spacious mind.”

---

WHERE, amongst the men of science, is the archetype to be found of a picture so flattering to human pride? The original, from which it appears to have been drawn, was indeed an exalted character; but at the same time, alas! a feeble valetudinarian, who must have experienced those mortifying impediments to mental exertion, which arise from a constitution naturally delicate, and broken by laborious researches into truth. Under such circumstances, could it be affirmed, that

“ Locke had a soul,  
“ Wide as the sea,  
“ Calm as the night,  
“ Bright as the day;  
“ There might his vast ideas play,  
“ Nor feel a thought confin’d.”

The amiable poet,\* who has thus pourtrayed, with the glowing colours of admiration and respect, one of the most distinguished ornaments of the human species, passed himself a life of lingering sickness: and though his genius was fertile, and his industry wonderfully and variously productive, yet such was his sensibility of the obstructions he had to surmount, that he made a painful and humiliating calculation of the days, months, and years, which he had lost even by his slightest malady, the tooth-ach. The celebrated Mr. Paschal languished four years under a distemper, which, without manifesting itself by many outward signs, or occasioning confinement, debarred him of the pleasures and improvements of study; and it was the anxious office of his friends to guard him from writing or speaking on any topics which might exercise much thought or attention.† Mr. Pope's vital functions were so disordered, that his life is emphatically said to have been a *long disease*. The head-ach was his most frequent assailant; and he used to relieve it by inhaling the steams of coffee, which he often required during those hours that should have afforded the refreshment of sleep. Such was his earnestness and solicitude in the prosecution of his literary undertakings, that Swift complains he was never at leisure for conversation: and one of Lord Oxford's domestics related, that in the severe winter of 1740, she was called from her bed four times in one night to supply him with

\* Dr. Watts.

† Preface to Pascal's Thoughts.

paper, that he might not lose a thought.\* The learned biographer who sarcastically records this fact, acknowledges in the preface to the most laborious of his works, that he himself *triumphed* in the acquisitions which he should display to mankind, and indulged all the dreams of a poet, doomed at last to wake a lexicographer. For he found that “one inquiry only gave occasion to another; that book referred to book; that to search was not always to find; and to find was not always to be informed; and that thus to pursue perfection was, like the first inhabitants of Arcadia, to chase the sun, which, when they had reached the hill where he seemed to rest, was still beheld at the same distance from them.” There is a passage in Thomson’s *Castle of Indolence* so applicable to this kind of folly, that I am tempted to transcribe it:

“ This globe pourtray’d the race of learned men,  
 “ Still at their books, and turning o’er the page  
 “ Backwards and forwards: oft they snatch the pen,  
 “ As if inspir’d, and in a Thespian rage,  
 “ Then write and blot, as would your ruth engage.  
 “ Why, authors! all this scrawl and scribbling fore?  
 “ To lose the present, gain the future age,  
 “ Praised to be, when you can hear no more:  
 “ And much enrich’d with fame, when useless worldly store?”†

The examples which I have recited are of men occupied chiefly, if not solely, in the walks of literature: but the taste for knowledge may be cultivated successfully in the busy scenes of active life. And

\* Johnson’s *Lives of the Poets*.

† Thomson’s *Castle of Indolence*, Canto I.

under these circumstances astonishing proficiency has been made by the combined powers of genius and industry. The works of Tully, Pliny the elder, Bacon, Temple, and Bolingbroke, not to mention various other names of ancient and modern times, are sufficient evidences of this fact. But neither the efforts of genius nor of industry can ward off sickness, obviate solicitude, or stop those unaccountable ebbings of the mind, which even a lowering sky will sometimes produce. Cicero, notwithstanding all his exultation on the soothing influence of philosophy, found himself under the necessity of retiring at certain seasons to one of his country villas, situated near Astura; and in this solitary residence, which was covered with a thick wood cut into shady walks, he used to pass his hours of spleen and melancholy.\*

But could we suppose health to be enjoyed without interruption, the spirits to be always lively and active, and all the intellectual faculties in a state of uniform composure and energy; yet still the progress in knowledge would be retarded by error, and obstructed by the want of those materials for which we must depend on the accuracy, industry, and attainments of others. The temple of science requires for its elevation the united labours of myriads of different artists; and the construction of it will be perpetually incident to delays, by the indolence, unskilfulness, and mistakes of those who are employed in the undertaking. In such circumstances, to unite ardour with serenity, an en-

\* Middleton's *Life of Cicero*, vol. iii. page 296.



thiufiasm for fcience with patience under all the obftructions of purfuit, from outward accident or inward infirmity, is a happinefs of which few can boaft.\* And the page of biography is filled with narratives of the queruloufnefs, impaired health, and mental imbecility of thofe, who, by their writings, have informed, enlightened, and charmed mankind. Juft views of the defigns of Providence in the government of the world, and particularly in the ftructure of the human mind with refpect to the progreffive evolution of its faculties, would tend to obviate thefe evils, by reftaining the inordinate afpirations of literary ambition, and by correcting the inconfiftency of expectation from which they proceed:

Man is evidently conftituted for two great ends; the attainment of virtue; and of knowledge. All his mental endowments have a reference to one or other of thefe final caufes: on them, therefore, muft depend the *perfection* and *felicity* of his nature. But his moral powers feem more circumfcribed in their operation, and confequently to admit of lefs extenfive culture, than thofe of his underftanding. For they are confined within the limits of rational, or at moft of fenfitive being, and with fuch they can hold only a partial and contracted correpondence; whilft the intellectual faculties have for their object the whole fyftem of nature, the infinitude of which is, perhaps,

\* Sir Ifaac Newton affords a fingular example of temperate ardour, unremitting energy, and almoft invariable equanimity.

not less apparent in its minuteness than immensity. From these considerations I am inclined to believe, that our station in the present world is intended for near approaches towards the *maturity* of *virtue*; but for the *infancy* only of *knowledge*. And the wisdom of this ordinance of the Deity is sufficiently discernible: for as *knowledge* is *power*, the antecedent possession of goodness, to direct it, must be essentially necessary to beatitude. The passions and affections are of speedy growth, and often manifest great vigour in that season of life which is marked by the feebleness of reason. Increasing years modify, direct, and meliorate them; but the discipline of experience serves rather to balance and restrain, than to augment, their native strength and energy. On the contrary, the mind proceeds by slow and regular gradations, in the attainment of science: and our acquisitions consist not solely in the discovery of new objects or phenomena; but in the comparison of these with what we already know,\* and in ascertaining their reciprocal dependencies, relations, or contrarieties. Thus knowledge is multiplied beyond the sum of its separate and component parts; and every accession to it increases the stock in a ratio, that, we may devoutly trust, will become greater and greater through all eternity.

But the bulk of mankind, in this stage of existence, are in circumstances which preclude any considerable

\* Maclaurin's View of Sir Isaac Newton's Philosophy.

advancement in learning: and we may observe, that the dispensation of the Gospel gives no *direct* encouragement to it,† but applies all its precepts and exhortations to the cultivation of the heart. For the principles and practice of virtue are accommodated to every period and condition of life; and are exercised, refined, and exalted, even by poverty, infirmity, sickness, and old age; all which check the exertions and depress the vigour of human genius. Rectitude of disposition and of conduct bears a precise and permanent relation to all times, persons, and occurrences. And if we ascend from particular to general excellence, by contemplating the duty of man in the aggregate, we may form a distinct and adequate idea of *moral perfection*. But what mind can expand itself to the conception of *complete intelligence*? Every step of our ascent on the hill of science presents to the view a widening horizon; and the boundary of darkness increases, in proportion to the amplitude of those enlightened regions which it encircles.

It is this endless progression of knowledge which is apt to give the *love* of it an inordinate ascendancy over every other principle, so as to render it the *ruling passion* of the mind. And as this passion does not,

† Many passages in the New Testament, according to a literal interpretation, seem *directly levelled against* human learning; which is described as vain, deceitful, traditionary, consisting of endless genealogies, idle babblings, and profane fables. But the best commentators are of opinion that these censures have a reference only to the absurd philosophy of the Gnostics or Sophists, which was derived from the Egyptians.

like the love of virtue, temper its particular exertions, by preserving a due subordination in the powers which it calls forth into action, the wildest extravagancies of emotion and of conduct have been displayed by those who submit to its uncontrouled dominion. A great philosopher has rushed naked from the bath into the streets of a populous city, frantic with joy on the solution of an interesting problem. Tacitus informs us, that his excellent father-in-law, Agricola, “ was  
 “ inclined to have engaged more deeply in the studies  
 “ of philosophy and law than was suitable to a  
 “ Roman and a senator, if the discretion of his mother  
 “ had not restrained the warmth and vehemence of  
 “ his disposition : for his high spirit, inflamed by the  
 “ charms of glory and exalted reputation, led him to  
 “ the pursuit with more eagerness than judgment.  
 “ Reason, and riper years, mitigated his ardour;  
 “ and what is a *most difficult task, he preserved mo-*  
 “ *deration in science itself.*” \* The emperor Marcus Antoninus, in one of his Meditations, expresses fervent gratitude to the gods, that by their favour he had made no further advances in rhetoric, poetry, and other amusing studies; that he had not bestowed too much time on voluminous reading, logical disputations, or researches into physics; because these might have engrossed his mind, or diverted his attention from the peculiar duties of his elevated

\* Tacitus in vit. Agric. See also Mr. Aikin’s elegant translation of this admirable piece of biography, page 65.



station.† Just and weighty, therefore, is the maxim of another ancient moralist, with which I shall conclude these reflections, that *we should not rest satisfied with the WORDS of wisdom, without the WORKS; nor turn philosophy into an idle pleasure, which was given us for a salutary remedy.\**

† Marcus Antoninus, lib. i.

\* Seneca.

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ON THE  
ADVANTAGES OF A TASTE  
FOR THE GENERAL  
BEAUTIES OF NATURE,  
AND OF ART.

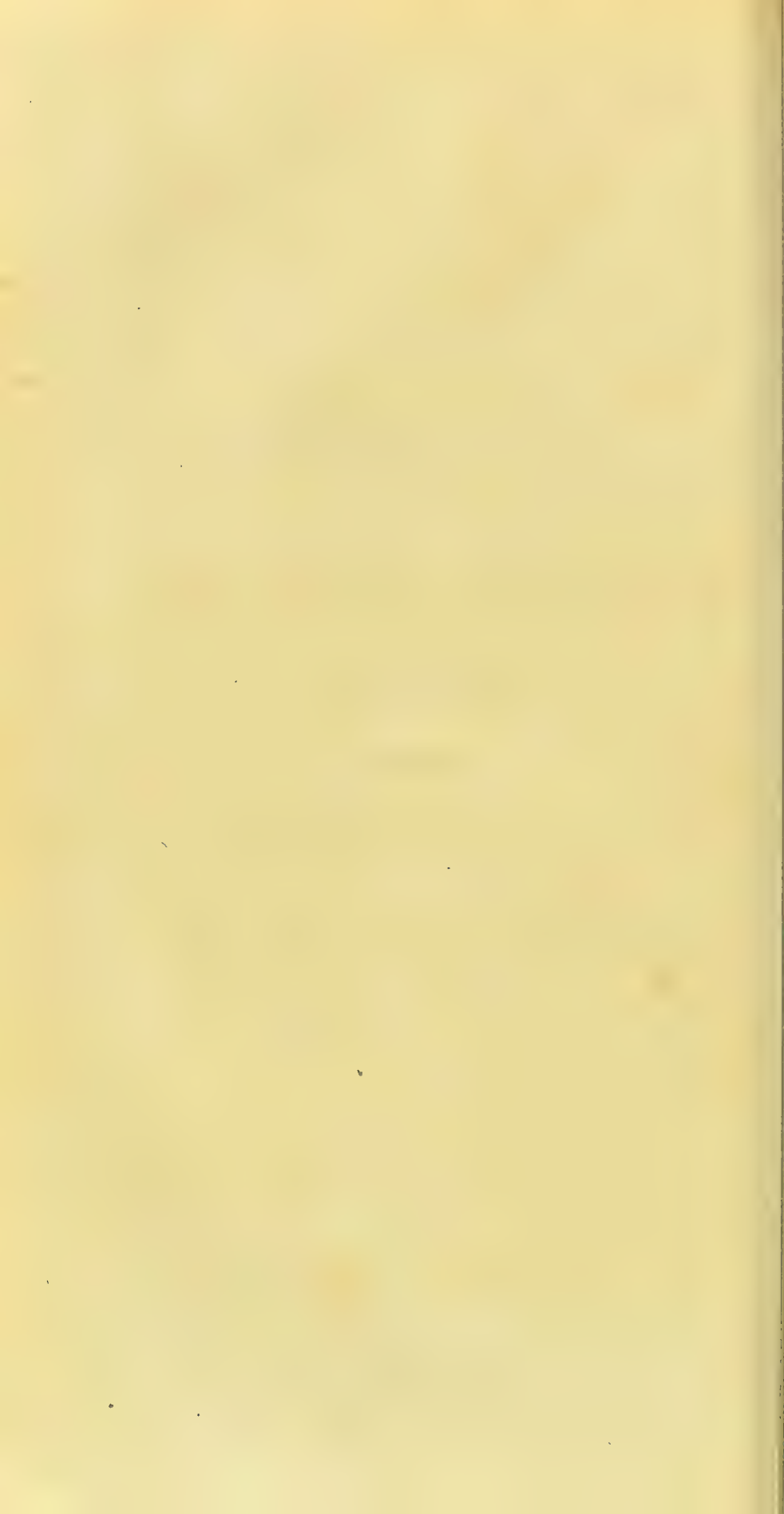


"ME VERO PRIMUM DULCES ANTE OMNIA MUSÆ

"ACCIPIANT!" - - - - - VIRG.

"QUID MINUAT CURAS, QUID TE TIBI REDDAT AMICUM."

HOR.





## SECTION I.

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ON THE

## BEAUTIES OF NATURE.

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THAT sensibility to beauty, which, when cultivated and improved, we term Taste, is universally diffused through the human species: and it is most uniform with respect to those objects, which, being out of our power, are not liable to variation, from accident, caprice, or fashion. The verdant lawn, the shady grove, the variegated landscape, the boundless ocean, and the starry firmament, are contemplated with pleasure by every attentive beholder. But the emotions of different spectators, though similar in kind, differ widely in degree: and to relish with full delight the enchanting scenes of nature, the mind must be uncorrupted by avarice, sensuality, or ambition; quick in her sensibilities, elevated in her sentiments, and devout in her affections. He who possesses such exalted powers of perception and enjoyment, may almost say with the poet,

“ I care not, Fortune! what you me deny;  
“ You cannot rob me of free Nature’s grace;  
“ You cannot shut the windows of the sky,

- “ Through which Aurora shews her bright’ning face;  
“ You cannot bar my constant feet to trace  
“ The woods and lawns, by living stream, at eve;  
“ Let health my nerves and finer fibres brace,  
“ And I their toys to the great children leave:  
“ Of fancy, reason, virtue, nought can me bereave.”\*

Perhaps such ardent enthusiasm may not be compatible with the necessary toils, and active offices, which Providence has assigned to the generality of men. But there are none to whom some portion of it may not prove advantageous; and if it were cherished by each individual, in that degree which is consistent with the indispensable duties of his station, the felicity of human life would be considerably augmented. From this source the refined and vivid pleasures of the imagination are almost entirely derived: and the elegant arts owe their choicest beauties to a taste for the contemplation of nature. Painting and sculpture are express imitations of visible objects: and where would be the charms of poetry, if divested of the imagery and embellishments which she borrows from rural scenes? Painters, statuaries, and poets, therefore, are always ambitious to acknowledge themselves the pupils of nature; and as their skill increases, they grow more and more delighted with every view of the animal and vegetable world. But the pleasure resulting from admiration is transient; and to cultivate taste, without regard to its influence on the passions and affections, “ is to rear a tree for its blossoms, “ which is capable of yielding the richest and most

\* Thomson’s *Castle of Indolence*.

“valuable fruit.”\* Physical and moral beauty bear so intimate a relation to each other, that they may be considered as different gradations in the scale of excellence; and the knowledge and relish of the former should be deemed only a step to the nobler and more permanent enjoyments of the latter.

Whoever has visited the Leasowes, in Warwickshire, must have felt the force and propriety of an inscription, which meets the eye at the entrance into those delightful grounds.

“Would you then taste the tranquil scene?

“Be sure your bosoms be serene;

“Devoid of haste, devoid of strife,

“Devoid of all that poisons life:

“And much it ’vails you, in their place

“To graft the love of human race.”†

Now such scenes contribute powerfully to inspire that serenity, which is necessary to enjoy and to heighten their beauties. By a secret sympathy, the soul catches the harmony which she contemplates, and the frame within assimilates itself to that which is without. For,

“Who can forbear to smile with Nature? Can

“The stormy passions in the bosom roll,

“While every gale is peace, and every grove

“Is melody?”‡

\* Shenstone.

† Id.

‡ Thomson’s Seasons, first edit.

Horace, when he breaks forth into the animated exclamation,

“*O, rus! quando ego te aspiciam? quandoque licebit*

“*Nunc veterum libris, nunc somno et inertibus horis*

“*Ducere felicitæ jucunda oblivâ vitæ?*”

seems to regret the want of that heart-felt complacency, which the bustle, pomp, and pleasures of imperial Rome could not afford.

In this state of sweet composure, we become susceptible of virtuous impressions from almost every surrounding object. The patient ox is viewed with generous complacency; the guileless sheep with pity; and the playful lamb raises emotions of tenderness and love. We rejoice with the horse in his liberty and exemption from toil, whilst he ranges at large through enamelled pastures; and the frolics of the colt would afford unmixed delight, did we not recollect the bondage which he is soon to undergo. We are charmed with the songs of birds, soothed with the buzz of insects, and pleased with the sportive motions of fishes, because these are expressions of enjoyment; and we exult in the felicity of the whole animated creation. Thus an equal and extensive benevolence is called forth into exertion; and having *felt* a common interest in the gratifications of inferior beings, we shall be no longer indifferent to their sufferings, or become wantonly instrumental in producing them.

It seems to be the intention of Providence, that the lower orders of animals should be subservient to the comfort, convenience, and sustenance of man. But his right of dominion extends no farther; and if this right be exercised with mildness, humanity, and justice, the subjects of his power will be no less benefited than himself. For various species of living creatures are annually multiplied by human art, improved in their perceptive powers by human culture, and plentifully fed by human industry. The relation, therefore, is reciprocal between such animals and man;



and he may supply his own wants by the use of their labour, the produce of their bodies, and even the sacrifice of their lives; whilst he co-operates with all-gracious Heaven in promoting HAPPINESS, the great end of existence.

But though it be true that *partial evil*, with respect to different orders of sensitive beings, may be *universal good*; and that it is a wise and benevolent institution of nature to make destruction itself, within certain limitations, the cause of an increase of life and enjoyment; yet a generous person will extend his compassionate regards to every individual that suffers for his sake: and whilst he sighs

“E’en for the kid, or lamb, that pours its life  
“Beneath the bloody knife;”\*

he will naturally be solicitous to mitigate pain, both in duration and degree, by the gentlest modes of inflicting it.

I am inclined to believe, however, that this sense of humanity would soon be obliterated, and that the heart would grow callous to every soft impression, were it not for the benignant influence of the smiling face of nature. The Count de Lauzun, when imprisoned by Louis XIV. in the castle of Pignerol, amused himself, during a long period of time, with catching flies, and delivering them to be devoured by a rapacious spider. Such an entertainment was equally singular and cruel, and inconsistent, I believe, with his former character, and subsequent turn of

\* Lord Lyttelton.

mind. But his cell had no window, and received only a glimmering light from an aperture in the roof. In less unfavourable circumstances, may we not presume, that instead of sporting with misery he would have released the agonizing flies, and bidden them enjoy that freedom of which he himself was bereaved?

But the taste for natural beauty is subservient to higher purposes than those which have been enumerated: and the cultivation of it not only refines and humanizes, but dignifies and exalts the affections. It elevates them to the admiration and love of that Being, who is the Author of all that is fair, sublime, and good in the creation. Scepticism and irreligion are hardly compatible with the sensibility of heart,\* which arises from a just and lively relish of the wisdom, harmony, and order, subsisting in the world around us: and emotions of piety must spring up spontaneously in the bosom that is in unison with all animated nature. Actuated by this divine inspiration, man finds a fane in every grove: and glowing with devout fervour, he joins his song to the universal chorus, or mutes the praise of the ALMIGHTY in more expressive silence. Thus they

“ Whom Nature’s works can charm, with God himself  
 “ Hold converse; grow familiar, day by day,  
 “ With his conceptions; act upon his plan;  
 “ And form to his the relish of their souls.”†

\* See Gregory’ Comparative View. † Akenfide.

## SECTION II.

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ON

A GENERAL TASTE FOR THE

FINE ARTS.

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THE analogy of physical to moral beauty, and the connection subsisting between a good heart and a just relish for the general works of nature, have, I trust, been fully established. But though all mankind are endued with the principle or faculty of taste, it often lies almost entirely dormant for want of cultivation. The savage Indian, wholly occupied in providing for the necessities of life, traverses the desert, and the flowery lawn, with equal indifference. Eager in the chase, he scarcely turns his eye, as he passes along, to contemplate the golden beams of the setting sun, reflected from the lake of Erie. Or if he quit his native wilds in the summer season, to fish in the river Ohio, he sits in his canoe, inattentive to the awful cataract, and views the most splendid scene in

the creation with flight and transient emotions. Nor are the generality of men, even in civilized society, or in the higher walks of life, fully qualified to comprehend or to admire the *assemblage* of beauties, which the visible creation presents to the view of an enlightened imagination. Single objects, or detached parts, attract the notice and engross the attention: and the mind by an easy transition passes to the recognition and relish of those operations of human skill, which are their symbols or representations. For the elegant arts are all imitative in their essence and origin. Thus music, by the variation of its movements and tones, calls up into the mind ideas, both of the natural, animal, and rational world. The murmuring brook, and boisterous ocean; the stormy wind, and gentle zephyr; the wild roar of the lion, the bleating of the lamb, and the plaintive melody of the nightingale; are all within the compass of its mimetic enchantments. These are extended even to the passions and emotions of the human heart, so as to typify anger pity, remorse, delight, and sorrow. Painting occupies a still wider field of similitude and association, displaying all those objects which are known to us in nature, by diversity of figure, or the various shades of colour. Even motions and sounds may be expressed by this wonderful art. For as they are accompanied, in many instances, with a certain configuration or position of parts, the sign is readily adopted for the thing signified: and we see or hear upon the canvas, the horse *starting* aghast at the



sudden view of the lion; the foldier *running* towards his dying general with the news of victory; the cock *crowing* at the denial of Peter; and the water-fall *dashing* against the rocks below.\*

Poetry, under which term I mean to comprehend all numerous and rhetorical composition, derives most of its charms from allusions, similes, metaphors, or descriptions; and these are obviously imitative. In this way its powers are so transcendent, that even a single epithet will sometimes produce a representation more picturesque than the pencil of Poussin, or Salvator Rosa, ever exhibited. The first line in the following stanza of Gray's elegy will afford an example and a proof of what is here advanced :

" Now fades the *glimmering* landscape on the sight,

" And all the air a solemn stillness holds,

" Save where the beetle wheels his droning flight,

" And drowsy tinklings lull the distant folds."†

The accuracy and force of the word *glimmering* must be felt by any one who has viewed with attention an extensive prospect, about an hour after sun-set.

The mimetic arts have some advantages over nature herself; for the imitations with which they present us are generally agreeable, even though their archetypes be in themselves indifferent or disgusting. The mind delights in comparison; and this pleasure is heightened by the recognition of resemblance, and by the contemplation of ingenious design or masterly

\* Mr. Stubbs's Picture. The death of General Wolfe; &c.

† Gray's Elegy;

execution. Who can read Mr. Gay's description of a poor benighted traveller, without being charmed at the verisimilitude of the narration, which is at once so clear, so discriminative, and circumstantial, that we become, as it were, spectators of a scene, which, either in its parts, or in the whole, is exactly correspondent to our recollection and experience.

It is evident, therefore, that the fine arts have for their object the gratification of the same faculty which perceives and relishes the charms of nature. And by analogy we may infer, that the exercise which they give to the taste is favourable to the virtuous affections of the heart. This truth has been so long acknowledged, that the observation of the poet is now received as an established maxim in ethics;

*“ Ingenuas didicisse fideliter artes  
Emollit mores, nec sinit esse feros.”\**

But the validity of this canon is not to be admitted without some restriction. The energies of music, painting, and poetry, are so powerful and multifarious, that they have at command all the emotions and passions of the soul,

- - - - - *“ Pectus inaniter angunt,  
“ Irritant, mulcent, falsis terroribus implent.”†*

They may excite or restrain, kindle or extinguish passion; and thus, according to their application, become the instruments either of vice or of virtue. They are incident, likewise, to numberless adventitious associa-

\* Ovid.

† Hor. Epist. I. lib. ii.

tions, which, counteracting or diversifying their natural and original tendency, may make them administer to vanity, ostentation, pride, envy, and jealousy. Such dispositions are sometimes found in the professors of these arts; and the display of them, in men of distinguished genius and merit, raises in our minds a painful struggle of discordant emotions.\*

Whoever, therefore, yields himself implicitly to the magic delusions of the fine arts, is in danger of having his judgment impaired, his heart corrupted, and his capacity destroyed for the ordinary duties and enjoyments of life. To this source may be traced all the follies and extravagance of what is termed *VERTU*. Admiration stimulates the desire of possession, however immoderate the price; possession turns the admiration of the object to ourselves; and this is succeeded by a fond and absurd impatience to display a superiority over others, both in taste and property.

“What brought Sir Visto’s ill-got wealth to waste?

“Some dæmon whisper’d, ‘Visto, have a taste.’

“Heav’n visits with a taste the wealthy fool;

“And needs no rod, but Ripley with a rule.†

But it is further to be observed, that as an acute relish for beauty, and a quick discernment of deformity, are, in a certain proportion, necessarily connected to-

• “Who would not laugh, if such a one there be?

“Who would not weep, if Atticus were he?” POPE.

No reflection is meant, by the quotation of these lines, on the very respectable character to whom they allude. They were dictated by resentment, and reprobated by some of the Poet’s best friends.

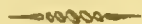
† Pope’s Moral Essays.

gether; the latter may become predominant through pride, affectation, or too frequent indulgence. Whenever this happens, taste will prove the instrument of pain, and not of pleasure: and the fastidious feelings of disgust, so often excited, will be transferred from the works of human skill to human life, rendering the temper petulant, morose, and selfish. But a perversion of the powers of the imagination is no argument against their proper culture and well-regulated application. For reason itself is liable to abuse; and philosophy and religion have been rendered subservient to scepticism and superstition.

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MISCELLANEOUS  
OBSERVATIONS  
ON THE ALLIANCE OF  
NATURAL HISTORY, and PHILOSOPHY,  
WITH POETRY.



. . . . . NIL SCRIBENS IPSE DOCEBO,  
UNDE PARENTUR OPES; QUID ALAT FORMETQUE POETAM.

. . . . . VATIBUS ADDERE CALCAR.

HOR.



MISCELLANEOUS

OBSERVATIONS

ON THE ALLIANCE OF

NATURAL HISTORY, and PHILOSOPHY,

WITH POETRY.\*



THE maxim of Lord Verulam, that “knowledge is power,” is no less applicable to poesy than to philosophy. For whether we engage in this delightful pursuit as an art, or as a science, it is evident that the ability to convey and the capacity to relish its peculiar pleasures, must be exactly proportioned to our acquaintance with the means either of communicating or enjoying them. The works of creation are the great storehouse where these means are to be sought; and an inquisitive attention to every surrounding object is essential to the poet, and highly useful to the lover of poetry. He who ex-

\* In this Essay, the author has confined his views chiefly to the application of natural knowledge to that branch of the poetic art which relates to DESCRIPTION; reserving for some future occasion the alliance of physics with POETICAL IMAGERY and MORAL ANALOGY.

tends his researches beyond the surface of things, will find that the treasures of nature are inexhaustible. For it is literally no less than metaphorically true, that

- - - "Many a gem, of purest ray serene,  
"The dark unfathom'd caves of ocean bear;  
"Full many a flower is born to blush unseen,  
"And waste its sweetness on the desert air."\*

Yet few have been the labourers in this rich harvest of science, since the days of Theocritus; and the pastoral descriptions and images of that ancient Sicilian bard, have been used like hereditary property by all succeeding poets. In the ruder ages of the world, the modes of life were peculiarly favourable to the observation of nature. Rural scenery was continually before the eyes; and the culture of land, or the care of sheep and cattle, constituted the occupation of the greatest personages. This furnished a rich supply of original materials, which must for ever be withheld from those who immure themselves in cities, and contemplate only the operations of art. Writers, therefore, of this class are humbly satisfied to be mere copyists of others; and adopt, without reserve, the figures, allusions, and representations, of their poetical predecessors. But science, which is borrowed, is often misunderstood: and it is not in the power, even of genius itself, to obviate the mistakes which are committed through ignorance. Who, for instance, can notice the countenance of the ox, without perceiving that it displays meekness, patience, and the most

\* Gray's Elegy.    .



inoffensive disposition;\* and that the eyes of this animal are of no unusual dimension? Yet in many versions of Homer, that divine poet, so conversant with zoology, is made to style the artful, proud, and passionate queen of the gods, “Ox-eyed Juno.” This mistake of the translators has evidently arisen, from the want of attention to nature: and M. Dacier has shewn, that the particle *ὄξ* is only an augmentative, signifying (*valde*) large-eyed; and that it has no direct relation to the ox. The error which Dr. Young has fallen into, in his paraphrase on Job, is more pardonable; because an English poet, who has never seen the CROCODILE, might be ignorant that his eyes are remarkably small. This animal is supposed to be the Leviathan, described in the 41st chapter of that book: and if the explanation be true, the following passage must have a reference to the brightness, and not to the magnitude, of his organs of sight, as my friend Mr. Aikin has judiciously remarked.† *By his neezings a light doth shine, and his eyes are like the eyelids of the morning.* Dr. Young, by a misconception of the original, has rendered this strong figure still more hyperbolical—

“Large is his front; and when his burnish’d eyes

“Lift their *broad* lids, the morning seems to rise.”

\* Thomson thus describes the ox:

- - - - “And the plain ox,

“That honest, harmless, guileless animal.”

† See his elegant and ingenious Essay on the Application of Natural History to Poetry.

When the rebellious angels are described by Milton, as converted into serpents, he says,

- - - - - " Dreadful was the din  
 " Of hissing through the hall,  
 " Scorpion and asp, and amphispæna dire,  
 " Ceraſtes horn'd, hydrus, and elops drear."\*

A celebrated critic† asserts that it is a mistake to enumerate the scorpion and the asp amongst the serpents; and that the elops was a fish, much admired by the ancients. It has been shewn, however, that Milton, in this passage, has the authority of Pliny, Lucan, and Nicander.

In a former essay I have remarked, concerning the mimetic powers of poetry, that a single word will sometimes produce a representation more picturesque than the pencil of Poussin, or of Salvator Rosa, ever exhibited. And the observation was exemplified by this line of Mr. Gray;

" Now fades the glimmering landscape on the sight,"

In which the accuracy and force of the epithet *glimmering* will be felt by any one, who has viewed with attention an extensive prospect, about an hour after sun-set.‡ But a gentleman of this county, who has

\* Milton's Paradise Lost, book x.

† Dr. Bentley.—Dr. Johnson, in the plan of his great Dictionary addressed to Lord Chesterfield, when treating of the importance of the explanation of appellatives, says that Milton, with such assistance, would not have disposed so improperly of his *elops*, and his *scorpion*; nor would Shakspeare have made the *woodbine* entwine the *honeysuckle*.

‡ Essay on the Advantages of a Taste for Nature and the Fine Arts.

inserted the foregoing line in a very elegant little poem, by an unfortunate transposition, has entirely destroyed its beauty, truth, and energy.

“ Now fades the landscape on the *glimmering sight*.”

Many original writers, of the most distinguished reputation, have deviated widely from nature, by adopting facts and opinions without examination, or on insufficient authority. Thus the poet Lucretius, who flourished about fifty years before the Christian æra, has sanctioned the vulgar error, that in the jaundice objects are painted on the retina of the same colour with that which tinges the external coat of the eye; and has given a theory of it in conformity to the philosophy of the Epicurean school :

“ *Lurida præterea fiunt quæcunque tuentur*  
 “ *Arquati, quia luroris de corpore eorum*  
 “ *Semina multa fluunt, simulacris obvia rerum;*  
 “ *Multaque sunt oculis in eorum denique mista,*  
 “ *Quæ contage sui palloribus omnia pingunt.*”\*

“ Besides, whatever jaundic’d eyes do view,  
 “ Look pale, as well as those, and yellow too;  
 “ For lurid parts fly off with nimble wings,  
 “ And meet the distant coming forms of things:  
 “ And others lurk within the eyes, and feize,  
 “ And stain, with pale, the entering images.”†

Mr. Pope has authorized the same observation, in his *Essay on Criticism*:

“ All seems infected, that th’ infected spy;  
 “ As all looks yellow to the jaundic’d eye.”

\* Lucretius, lib. iv. line 333.

† Creech’s Transl. of Lucret. book iv. line 344.

And the like mistaken allusion is more than once repeated in an admirable poem, lately published by Mr. Hayley:

“The bards of Britain, with unjaundic’d eyes,

“Will glory to behold such rivals rise.”\*

“On fairest names, from every blemish free,

“Save what the jaundic’d eyes of party see.”

I am inclined to believe there is no sufficient foundation for this opinion. Galen indeed speaks of yellow vision, as common to iſteric patients; and Sextus Empyricus has delivered the ſame account; but their relation is neither confirmed by experience, nor conſonant to reaſon. In the worſt caſes of the jaundice now known, I believe this ſymptom has no exiſtence; and I do not find it noticed in the records of Aretæus, Celfus, or Hippocrates.

The ſuppoſition, that the fertilizing quality of ſnow ariſes from nitrous ſalts, which it is ſuppoſed to acquire in the act of freezing, is void of foundation; becauſe the moſt accurate experiments have demonſtrated, that it contains no nitre, and only a ſmall portion of calcareous earth. False philoſophy, ſays an eminent chemiſt,† firſt gave riſe to this idea, and poetry has contributed to diſſuſe the error. Thus Mr. Philips:

----- “O may’ſt thou often ſee

“Thy furrows whiten’d by the woolly rain,

“Nutritious: ſecret nitre lurks within

“The porous wet, quickening the languid glebe.”

\* On Epic Poetry. Ep. iv.

† Dr. Watſon, now Biſhop of Landaff, in his Chemical Eſſays.



But the following lines of Mr. Thomson do not appear to me to be liable to the same objection: for the term *salts*, with the annexed epithet *little*, may be applied, without much poetical licence, to the crystals of water, formed by freezing:

“What art thou, frost?”

“Is not thy potent energy unseen,

“Myriads of *little salts*, or hook’d, or shap’d

“Like double wedges, and diffus’d immense

“Thro’ water, earth, and ether?”

The operation of frost is here ascribed to its mechanical powers. For by binding the surface of the earth, it arrests the exhalations as they ascend from the parts below, and thus retains a nutritious *pabulum*, to be applied at a proper season to the roots of plants. But it chiefly meliorates the soil, by pulverizing the particles which compose it, and fitting them for the absorption of the vernal dews and rains.

Whenever PHILOSOPHY is introduced into poetry, truth, for the most part, is essential to its power of giving pleasure: and our great epic writer seems to descend sometimes from the majesty of his work, by mixing with modern discoveries the groundless opinions of the ancients. Thus, when Raphael addresses Adam, concerning the great system of nature, he says,

----- “Other suns, perhaps,

“With their attendant moons, thou wilt descry,

“Communicating *male* and *female* light.”\*

The idea of *male* light being communicated by the *sun*, and *female* light by the *moon*, probably originated in the mind of Milton, from his intimate acquaintance

\* Milton’s *Paradise Lost*, book viii. line 148.

with the writings of Pliny ; who mentions, as a tradition, “ that the sun is a masculine star, drying all “ things; but that the moon is a soft and feminine “ star, of dissolving power. And that thus the balance of nature is preserved ; some of the stars “ binding the elements, and others loosening them.”\*

The HARMONY of the SPHERES, or musical revolution of the heavenly bodies in their several orbits, was first taught by the Pythagoreans ; who seem to have derived this fanciful doctrine from analogy. For it was observed by these philosophers, that a musical chord produces the same note as one double in length, when the force is quadruple with which the latter is stretched ; hence they supposed that the gravity of a planet is quadruple the gravity of a planet at a double distance. And as any musical chord may become unison to a lesser chord of the same kind, if its tension be increased in the same proportion as the square of its length is greater ; so the gravity of a planet may become equal to the gravity of another planet nearer to the sun, provided it be increased in proportion as the square of its distance from the sun is greater. If therefore musical chords be extended from the sun to each planet, to bring them into unison, it would be requisite to increase or diminish their tensions, in the same proportions as would be

\* “ *Solis ardore siccat liquor; et hoc esse masculinum sidus accensum, torrens cuncta sorbensque. E contrario ferunt lunam femininum ac molle sidus, atque nocturnum solvere humorem. Ita perscrutari naturæ vices, semperque sufficere, aliis siderum elementa cogentibus, aliis vero fundentibus.*”—Hist. Nat. lib. ii. cap. 100. See also the notes to Newton’s edition of Paradise Lost.

sufficient to render the gravity of the planets equal.\* This notion of the Pythagoreans is so pleasing to the imagination, that it is not surprizing the poets have adopted it: and Milton has given such a view of it, as wants nothing but philosophical truth to render it delightful:—

“ Mystical dance, which yonder starry sphere  
 “ Of planets, and of fix’d, in all her wheels  
 “ Resembles nearest; mazes intricate,  
 “ Eccentric, intervolv’d, yet regular,  
 “ Then most, when most irregular they seem;  
 “ And in their motions harmony divine  
 “ So smooths her charming tones, that GOD’s own ear  
 “ Listens delighted.”†

Mr. Pope has not only supposed the actual existence of this heavenly harmony, but that it is possible the human ear might have been so constituted as to have been sensible of it:—

“ If Nature thunder’d in his opening ears,  
 “ And stunn’d him with the music of the spheres;  
 “ How would he wish that Heav’n had left him still  
 “ The whisp’ring zephyr, and the purling rill?”‡

Those who are in possession of the first or second edition of Thomson’s Seasons, will find a gross geographical mistake in the hymn which is annexed to them. Towards the close of this beautiful poem, the author expresses his pious confidence in the universal wisdom and impartial benevolence of the Deity;

\* Vid. Plin. lib. ii. cap. 22. Macrob. lib. ii. cap. 1. See also Meadlaerin’s Account of Sir Isaac Newton’s Philosophical Discoveries, page 34.

† Paradise Lost, book v. line 620.

‡ Essay on Man, epist. i. ver. 201.

and asserts, that the same regular seasons, which he had described with such fervour of delight in the preceding work, are equally experienced in every part of the globe.

----- "God is ever present, ever felt,  
 "In the void waste, as in the city full;  
 "Roll the *same kindred seasons* round the world,  
 "In all *apparent*, wise and good in all."

The two last lines are omitted in the subsequent editions of this poem.

The system of PHILOSOPHY which is now received, independent of its superiority in point of truth, infinitely exceeds in extent, elevation, and grandeur, that of the ancients. The poet, therefore, should be well versed in the science of physics, not only because he can seldom deviate from it,\* without injury to his compositions, but because they may derive from it sublimity, embellishment, or grace. Astronomy, in

\* In the following lines, the thought becomes low, by being unphilosophical:

----- "O thievish night,  
 "Why should'st thou, but for some felonious end,  
 "In thy *dark lanthorn* thus close up the stars  
 "That Nature hung in heaven, and filled their *lamps*  
 "With everlasting *oil*." MILTON'S *Comus*.

The sentiment is more brilliant, in a subsequent passage of this poem, but not more solid: and it is rendered absurd by the least reflection, on the impossibility of sinking the vast orbs of the sun and moon in the ocean; or as it is here improperly styled, the *flat sea*:—

"Virtue could see to do what virtue would,  
 "By her own radiant light; though sun and moon  
 "Were in the *flat sea* sunk."



particular, furnishes such magnificent ideas and boundless views, that imagination can hardly grasp, much less exalt or amplify them. “The objects which we commonly call great,” says an eminent writer, “vanish, when we contemplate the vast body of the earth; the terraqueous globe itself is soon lost in the solar system. In some parts it is seen as a distant star; in others it is unknown; or visible only at rare times, to vigilant observers. The sun itself dwindles into a star; Saturn’s vast orbit, and the orbits of all the comets, crowd into a point, when viewed from numberless spaces between the earth and the nearest of the fixed stars. Other suns kindle light to illuminate other systems, where our sun’s rays are unperceived; but they also are swallowed up in the vast expanse. Even all the systems of the stars that sparkle in the clearest sky, must possess a corner only of that space, through which such systems are dispersed: since more stars are discovered in one constellation by the telescope, than the naked eye perceives in the whole heavens. After we have risen so high, and left all definite measures far behind us, we find ourselves no nearer to a term or limit; for all this is nothing to what may be displayed in the infinite expanse, beyond the remotest stars that have hitherto been discovered.”\* This description, though delivered in the chaste language of a mathematician, is in sen-

\* Maclaurin’s View of Sir Isaac Newton’s Discoveries, p. 16.

timent so truly sublime, that it wants nothing but numbers to constitute it poetry; and in the following lines, it appears with all the charms of grace and harmony :

- - - - - " Seiz'd in thought,  
 " On Fancy's wild and roving wing I sail  
 " From the green borders of the peopled earth,  
 " And the pale moon, her duteous fair attendant;  
 " From solitary Mars; from the vast orb  
 " Of Jupiter, whose huge gigantic bulk  
 " Dances in ether, like the lightest leaf;  
 " To the dim verge, the suburbs of the system,  
 " Where cheerless Saturn 'midst his wat'ry moon,  
 " Girt with a lucid zone, majestic sits  
 " In gloomy grandeur, like an exil'd queen  
 " Amongst her weeping handmaids: fearless thence  
 " I launch into the trackless deeps of space,  
 " Where burning round ten thousand suns appear,  
 " Of elder beam; which ask no leave to shine  
 " Of our terrestrial star, nor borrow light  
 " From the proud regent of our scanty day;  
 " Sons of the morning, first-born of creation,  
 " And only less than Him who marks their track,  
 " And guides their fiery wheels. Here must I stop:  
 " Or is there aught beyond? What hand, unseen,  
 " Impels me onward, through the glowing orbs  
 " Of habitable nature; far remote,  
 " To the dread confines of eternal night,  
 " To solitudes of vast unpeopled space,  
 " The deserts of creation, wide and wild;  
 " Where embryo systems, and unkindled suns,  
 " Sleep in the womb of chaos! Fancy droops,  
 " And thought, astonish'd, stops her bold career."\*

Homer, whose knowledge of the magnitude and distances of the heavenly bodies, must have been very

\* Mrs. Barbauld's Evening Meditation.

confined, never displays a more glowing imagination, than when he introduces them to our notice. And no one can view his animated picture of a moonlight and starry night, without feeling himself transported to the scene which it exhibits.

“ As when the moon, refulgent lamp of night,  
 “ O’er heaven’s clear azure spreads her sacred light;  
 “ When not a breath disturbs the deep serene,  
 “ And not a cloud o’ercasts the solemn scene;  
 “ Around her throne the vivid planets roll,  
 “ And stars unnumber’d gild the glowing pole;  
 “ O’er the dark trees a yellower verdure shed,  
 “ And tip with silver every mountain’s head;  
 “ Then shine the vales, the rocks in prospect rise,  
 “ A flood of glory bursts from all the skies;  
 “ The conscious swains, rejoicing in the sight,  
 “ Eye the blue vault, and bless the useful light.”\*

Mr. Pope has translated this passage with singular felicity; and perhaps it may be the fastidiousness of criticism to remark, that a *refulgent moon* is not compatible with *vivid* planets, and *glowing stars*; because these fainter lights are eclipsed by the splendour of that luminary. But though Homer, probably, did not mean to introduce a full moon, as his commentator Eustathius has observed, yet a judicious poet has chosen to leave this bright orb out of the evening scenery which she has so admirably pourtrayed.

----- “ Nature’s self is hush’d;  
 “ And but a scatter’d leaf which rustles thro’  
 “ The thick-wave foliage, not a sound is heard  
 “ To break the midnight air.”

\* Pope’s Homer’s Iliad, book viii. line 687.

- - - - - " 'Tis now the hour  
 " When contemplation, from her sunless haunts,  
 " Moves forward; and with radiant finger points  
 " Where, one by one, the living eyes of heav'n  
 " Awake, quick kindling o'er the face of ether  
 " One boundless blaze; ten thousand trembling fires  
 " And dancing lustres, where th' unsteady eye,  
 " Restless and dazzled, wanders unconfin'd  
 " O'er all this field of glories."\*

It may be amusing to contrast the foregoing descriptions of the night with those recorded by Mr. Macpherson, in his translation of the poems of Ossian. Five bards, passing the night in the house of a Caledonian chief, went out severally to make their observations; and returned with an extempore description of the night, which, as appears from the poem, was in the month of October. I shall here recite part of the composition of the fourth bard, as it is most analogous to the passages above quoted.

" Night is calm and fair; blue, starry, settled is  
 " night. The winds, with the clouds, are gone.  
 " They sink behind the hill. The moon is upon the  
 " mountain. Trees glisten; streams shine on the  
 " rock. Bright rolls the settled lake; bright the  
 " stream of the vale.

" The breezes drive the blue mist slowly over the  
 " narrow vale. It rises on the hill, and joins its  
 " head to heaven. Night is settled, calm, blue,  
 " starry, bright with the moon. Receive me not,  
 " my friends; for lovely is the night."†

\* Mrs. Barbauld's Evening Meditation.

† Ossian's Cromach, p. 255, 4to edition.



In southern latitudes the HEAVENLY BODIES are far more resplendent, than when viewed through the thick atmosphere of Britain. It is said, that in Jamaica, the *milky way* is transcendently bright; and that the planet Venus appears like a little moon, glittering with so vivid a beam, as to render visible the shadows of trees, buildings, and other objects.\* The setting sun, in that island, exhibits a spectacle peculiarly august. His apparent circumference being enlarged by his station in the horizon, and the refraction of the rays of light retaining in view his glorious orb, he seems to rest awhile from his career, on the summit of the mountains. Then he suddenly vanishes, leaving a train of splendour, that streaks the clouds with the most lively and variegated tints which fancy can conceive.† In describing such a spectacle as this, the majesty of the great luminary generally absorbs the whole attention of the poet; and he takes little notice of the effect of the sun's declination on terrestrial objects: yet it is certain, that a landscape of small extent never appears more beautiful than at the close of a summer's day. Several causes then conspire to give a richness to the scene, and no one so powerfully as the heightened verdure of the herbage, arising probably from the combination of blue and yellow colours, reflected at the same time, from the golden clouds and azure sky. Perhaps the increased refraction and softened lustre of the evening rays of light may also contribute to this effect. For

\* Hist. of Jamaica, book ii. p. 371.

† Ibid. 372.

the herbage at that time appears not only more green, but more copious too; infomuch that a pasture, which looks *bare* at noon, seems to abound in grass at sun-set. When thick black vapours hover about the western sun, and present only small illumined edges, I have observed a circle of green surrounding his disk; an appearance which I know not how to account for, but from the union above described of blue and yellow rays. This phœnomenon I saw in great perfection, as I was lately travelling over the mountains which divide the counties of Lancaster and York. The day was wet and stormy; and the war of elements which I beheld gave me some faint idea of what is experienced on the Alps and Andes; where the traveller views clouds at his feet, and coruscations of lightning darting on all sides below him. Numberless meteors, which are unknown on the plain, present themselves to his astonished sight; such as circular rainbows, parhelia, the shadow of the mountain projected on the air, and his own image adorned with a kind of glory round the head.\* How tremendous is the account which Don Ulloa has given of his station on the top of Cotopaxi, a mountain in Peru, more than three geographical miles above the level of the sea. Here he was stationed a considerable length of time, for the purpose of measuring a degree of the meridian; and the hardships which he suffered from the intenseness of the cold,

\* Ulloa, vol. i. Acad. Par. 1744. Priestley on Light and Colours, page 599, &c.

and the storms to which he was exposed, almost exceed belief. "The sky," says he, "was generally obscured with thick fogs; but when these were dispersed, and the clouds moved by their gravity nearer the surface of the earth, they surrounded the mountain to a vast distance, representing the sea, with our rock like an island in the centre of it. When this happened, we heard the horrid noises of the tempests which discharged themselves on Quito, and the neighbouring countries. We saw the lightnings issue from the clouds, and heard the thunders roll far beneath us. And whilst the lower regions were involved in tempests of thunder and rain, we enjoyed a delightful serenity. The wind was hushed, the sky clear, and the enlivening rays of the sun moderated the severity of the cold."\*

How would a scene like this have been felt and described by the poet, of whom it is said,

----- "When lightning fires  
 "The arch of heaven, and thunders rock the ground;  
 "When furious whirlwinds rend the howling air,  
 "And ocean, groaning from his lowest bed,  
 "Heaves his tempestuous billows to the sky:  
 "Amid the mighty uproar, while below  
 "The nations tremble, Shakspeare looks abroad  
 "From some high cliff, superior, and enjoys  
 "The elemental war."†

The awful and gloomy grandeur of the mountainous scenery of Peru is, perhaps, less favourable to the

\* Ulloa's Voyage, vol. i. p. 231.

† Akenfide's Pleasures of Imagination, book iii. line 590.

descriptive powers of the poet, than the prospects which some of the Alpine countries of Europe afford. In the cultivated districts of Switzerland particularly, the views furnish the happiest combination of the sublime and beautiful. And I shall give a short abstract of the observations made by a late traveller on the Mole, a mountain which rises near five thousand feet above the lake of Geneva, and is situated about eighteen miles eastward of that city. “In my ascent,” says Sir George Shuckburgh, “I saw the sun rising  
“behind one of the neighbouring Alps, with a most  
“beautiful effect; and the shadow of the mountain  
“we were then upon extended fifteen or twenty miles  
“west. Before me, at some distance, was spread the  
“plain, in which lay Geneva and the lake; behind  
“me rose the Dole, and the long chain of Mont  
“Jura. A little to the left, and much nearer, lay  
“Mont Saleve, which, from this height, appeared an  
“inconsiderable hill. To the right and left nothing  
“but immense rocks and pointed mountains of every  
“possible shape, forming tremendous precipices. In  
“the vale beneath, several little hamlets, and the  
“most beautiful pasturages, with the river Arve  
“winding and softening the scene. From whence  
“arose a thick evaporation, collecting itself into  
“clouds, which on the lake, that was quite covered  
“with them, had the appearance of a sea of cotton;  
“the sun’s beams playing on the upper surface of  
“them with those tints which are seen in a fine  
“evening. To the south-west appeared the lake of



“ Annecy; behind us lay the Glacieres, and amongst  
“ them, towering above all the rest, stood Mont  
“ Blanc. The circumference of the horizon might  
“ be about two hundred English miles; and though  
“ not one of the most extensive, yet certainly one of  
“ the most varied in the world.”\*

It is with a reluctance, similar perhaps to what this philosophical traveller experienced when he descended from the Mole, that I quit the imaginary vision of this enchanting scene. But it is necessary to remark, that however striking such complex and sublime representations may be, they can only be introduced occasionally by the poet; whose talents for description should be chiefly exercised in the judicious selection and picturesque display of small groups, or individual objects. Like the magnet, he must draw forth what is valuable, even from the rudest materials; and nicely discriminate in every surrounding object those attributes which can be rendered subservient to his art. We are informed that Thomson was wont to wander whole days, and nights in the country: and in such sequestered walks he acquired, by the most minute attention, a knowledge of all the mysteries of nature. These he has wrought into his Seasons with the colouring of Titian, the wildness of Salvator Rosa, and the energy of Raphael.

Milton appears to have been no less familiar with nature than Thomson, and equally happy in his por-

\* *Philosoph. Trans.* 1777, p. 536.

traits of her most pleasing forms. He catches every distinguishing feature; and gives to what he describes such glowing tints of life and reality, that we have it, as it were, in full view before our eyes. How perfect is the image in the following lines!

- - - - - "The swan, with *arched neck*  
 "Between her *white wings mantling*, proudly rows  
 "Her state, with *oary feet*."\*

Indeed the whole account of the creation, which the Archangel relates to Adam, is so engaging and picturesque, that it would fully refute the criticism of a learned Italian, if the poem contained no other beauties of a similar kind. "The poets beyond the Alps," says Abbé Winckelmann, "speak *figuratively*, but "without *painting*. The strange and sometimes terrifying figures, which constitute almost all the "grandeur of Milton, are by no means the *objects* of "a *pencil*, but rather seem beyond the reach of "painting."† Surely the description of the swan, above recited, might be copied on the canvas, by any artist of tolerable genius. As Milton derived his knowledge of this beautiful bird from actual observation, he has not fallen into the error of the ancient poets, who have almost universally ascribed to it a musical voice. Callimachus terms it, "Apollo's "tuneful songster;" and Horace compliments Pindar

\* Paradise Lost, book vii. line 438.

† Histoire des Arts chez les Anciens.

with the epithet "*Dircean swan*."\* Such improprieties clearly evince the importance of natural knowledge to the poet.

The polity of Rooks is almost constituted with as much order and wisdom as that of ants, bees, and beavers; and their attachment to places contiguous to the dwellings of men not only affords us frequent opportunities of observing them, but interests us at the same time in their well-being and preservation. These birds, therefore, furnish the poet with various topics for the display of his art; and the following incident, by a little colouring, might be wrought into a pathetic picture. A large colony of rooks had subsisted many years in a grove, on the banks of the river Irwell, near Manchester. One serene evening, I placed myself within the view of it, and marked with attention the various labours, pastimes, and evolutions of this crowded society. The idle members amused themselves with chasing each other, through endless mazes; and in their flight they made the air resound with an infinitude of discordant noises. In the midst of these playful exertions, it unfortunately happened that one rook, by a sudden turn, struck his beak against the wing of another. The sufferer instantly fell into the river. A general cry of distress

\* "*Multa Dirceum levat aura cycnum*

"*Tendit, Antoni, quoties in altos*

"*Nubium tractus.*"

Ode II. lib. iv.

In the address to Melpomene, he says,

"*Omnesque piscibus*

"*Donatura cygni, si libeat, sonum.*"

Ode III.

ensued. The birds hovered, with every expression of anxiety, over their distressed companion. Animated by their sympathy, and perhaps by the language of counsel, known to themselves, he sprung into the air, and by one strong effort, reached the point of a rock, which projected into the water. The exultation became loud and universal; but, alas! it was soon changed into notes of lamentation: for the poor wounded bird, in attempting to fly towards his nest, dropt again into the river, and was drowned amidst the moans of his whole fraternity.

The habitudes of the domestick breed of POULTRY cannot possibly escape observation: and every one must have noticed the fierce jealousy of the cock,

“ Whose breast with ardour flames, as on he walks,  
“ Graceful, and crows defiance.”\*

It should seem that this jealousy is not confined to his rivals, but may sometimes extend to his beloved female: and that he is capable of being actuated by revenge, founded on some degree of reasoning concerning her conjugal infidelity. An incident which lately happened at the seat of Mr. B\*\*\*\*\*, near Berwick, justifies this remark. “ My mowers,” says he, “ cut a partridge on her nest, and immediately brought the eggs (fourteen) to the house. I ordered them to be put under a very large beautiful hen, and her own to be taken away. They were hatched in two days, and the hen brought them

\* Thomson's Spring, line 772.



“ up perfectly well till they were five or six weeks  
“ old. During that time they were constantly kept  
“ confined in an outhouse, without having been seen  
“ by any of the other poultry. The door happened  
“ to be left open, and the cock got in. My house-  
“ keeper, hearing her hen in distress, ran to her  
“ assistance, but did not arrive in time to save her life.  
“ The cock finding her with the brood of partridges,  
“ fell upon her with the utmost fury, and put her to  
“ death. The housekeeper found him tearing her  
“ both with his beak and spurs, although she was  
“ then fluttering in the last agony, and incapable of  
“ any resistance. The hen had been formerly the  
“ cock’s greatest favourite.”

A writer of no inconsiderable merit,\* has employed his muse on a subject highly interesting to the English reader, in a didactic poem entitled the *Fleece*. In this work, whatever relates to the management of sheep, and the manufacture of wool, is largely discussed; and the whole is adorned by the introduction of rural imagery and amusing digressions. But the performance might have been rendered much more entertaining, if it had comprehended a fuller account of the natural history of the sheep; and had displayed a nicer attention to the peculiar and pleasing character of that innocent animal, and of her sportive offspring. One fact should not have been omitted in such a narrative; and I wonder it escaped Mr. Dyer’s observation. I am informed, that after the dam has

\* Mr. Dyer.

been shorn, and turned into the fold to her lambs, they become estranged to her; and that a scene of reciprocal distress ensues, which a man of lively imagination and tender feelings might render highly interesting and pathetic. The poor sheep, when undergoing the operation of washing, and also when stripped of her warm and graceful covering, is in both circumstances, a spectacle of pity, and a proper object of poetical amplification. Had Mr. Sterne been the author of the *Fleece*, he would perhaps have introduced the following little episode. “Dear Sensibility; thou sometimes inspirest the rough peasant, who traverses the bleakest mountains.—He finds the lacerated lamb of another’s flock. This moment I beheld him, leaning his head against his crook, with piteous inclination looking down upon it.—Oh! had I come one moment sooner!—It bleeds to death.—His gentle heart bleeds with it. Peace to thee, generous swain; I see thou walkest off with anguish; but thy joys shall balance it. For happy is thy cottage;—and happy is the sharer of it;—and happy are the lambs which sport about thee!”

SMOKE, issuing from the chimney of a retired cottage shaded with trees, is a pleasing object. The waving line of beauty, in which it gradually ascends, and the succession of graceful forms which it assumes, before it is lost in the atmosphere, adapts it to poetical description or comparison, as well as to the canvas of the painter. Mr. Dyer, in the poem above re-

ferred to, has thus represented its appearance, and associated with it ideas of comfort and plenty, which tend to heighten the complacency of the beholder.

“ Yet your mild homesteads, ever blooming, smile  
 “ Among embracing woods, and waft on high  
 “ The breath of plenty, from the ruddy tops  
 “ Of chimneys, curling o’er the gloomy trees,  
 “ In airy azure ringlets, to the sky.”\*

The FLOATING MISTS, which are seen on the tops and sides of hills, often put on a variety of agreeable shapes and colours. They constitute an interesting part of the scenery of Ossian’s poems; and are introduced with peculiar propriety, as objects which, in a mountainous country, were continually within the view of his *dramatis personæ*. “ The mist of Cromla  
 “ curls upon the rock, and shines to the beam of the  
 “ west. The soft mist pours over the silent vale.  
 “ The green flowers are filled with dew. The sun  
 “ returns in his strength; and the mist is gone.” These beautiful forms suggest to a devout mind, conversant with the writings of Milton, part of Adam’s morning invocation:

“ Ye mists and exhalations, that now rise  
 “ From hill or steaming lake, dusky or grey,  
 “ Till the sun paint your fleecy skirts with gold,  
 “ In honour to the world’s great Author rise;  
 “ Whether to deck with clouds th’ uncolour’d sky,  
 “ Or wet the thirsty earth with falling showers,  
 “ Rising or falling, still advance his praise.”†

The expression *steaming lake*, in the second line, is used with the strictest philosophical truth. Thomson

\* Dyer’s Fleece, book i. line 509.

† Milton, book v.

has applied the same epithet, with equal justness, to that intestine motion in the earth, by which Divine Providence

“Works in the secret deep, shoots *steaming* thence  
“The fair profusion, that o’erspreads the spring.”

For it appears, from some late experiments, that sixteen hundred gallons of water rise by evaporation, from an acre of ground, within the space of twelve hours, of a summer’s day.\*

An inattentive observer of nature would hardly remark the CURVILINEAR DIRECTION in the motion of animals. Yet certain it is, that neither birds, fishes, insects, quadrupeds, nor men, ever move long in a straight line. The final cause of this seems to be, that ease may be alternately given to the muscles, on the right and on the left side of the body. When the muscles of the right side are in a state of vigorous exertion, the direction of the body will incline that way; and when they require relief, those of the left side come into action, and produce an opposite effect. Whoever follows a draught horse heavily laden will perceive the truth of this observation. And it is not more apparent on the beaten highway, than in the sheep-tracks on the heath, and in the paths, worn by the passage of cattle to their watering-places. Hence it is a rule in the art of gardening, that walks and pleasure-grounds should be serpentine: as that form is most agreeable to nature,

\* Watson’s Chemical Essays, vol. iii. p. 52.



and therefore most consonant to an elegant and improved taste.

Milton makes frequent mention of the FLAMING SWORDS, borne by the angelic spirits, and particularly by the cherubim, who were stationed at the gate of Paradise:

“ And on the east side of the garden, place,  
 “ Where entrance up from Eden easiest climbs,  
 “ Cherubic watch; and of a sword, the flame  
 “ Wide waving, all approach far off to fright,  
 “ And guard all passage to the tree of life.”

PARADISE LOST, book xi. l. 120.

If the poet had been acquainted with the modern discoveries in electricity, he might perhaps have seized this occasion of exerting his superior talents for description, by a more minute and pictorial display of *the sword of flame wide waving*. The reader at least may assist his imagination to conceive a more lively idea of it, by the following beautiful experiment.

Make a torricellian *vacuum*, in a glass tube, about three feet long, and seal it hermetically. Let one end of this tube be held in the hand, and the other applied to the electrical conductor; and immediately the whole tube will be illuminated, and when taken from the conductor, will continue luminous for a considerable time. If it be then drawn through the hand, the light will be uncommonly intense, from end to end, without the least interruption. After this operation, which discharges it in a great measure, it will still flash at intervals, though held only at one extremity, and quite still. But if it be grasped by

the other hand at the same time in a different place, strong flashes of light will dart from one extremity to the other, and continue to do so twenty-four hours, or perhaps longer, without fresh excitation.\*

The foregoing experiment was made by Mr. Canton, to elucidate the nature of the *Aurora Borealis*, a phenomenon well suited to exercise the fancy of the poet. But still more congenial to him are those illusive meteors, which sometimes occur in northern climates; and which literally give “to airy  
“ nothing a local habitation and a name.”—“I was  
“ never more surprized,” says Crantz, in his History of Greenland, “than on a fine warm summer’s  
“ day to perceive the islands, that lie four leagues  
“ west of our shore, putting on a form quite different  
“ from what they are known to have. As I stood  
“ gazing upon them, they appeared at first infinitely  
“ greater than what they naturally are; and seemed as  
“ if I viewed them through a large magnifying glass.  
“ They were thus not only made larger, but brought  
“ nearer to me: I plainly descried every stone upon  
“ the land, and all the furrows filled with ice.  
“ When this deception had lasted for a while, the  
“ prospect seemed to break up, and a new scene of  
“ wonder to present itself. The islands seemed to  
“ travel to the shore, and represented a wood, or  
“ a tall cut hedge. The scene then shifted, and  
“ shewed the appearance of all sorts of curious  
“ figures; as ships with sails, streamers, and flags,

\* See Dr. Pristley’s Hist. of Electricity, p. 540.

“ antique elevated castles with decayed turrets; and  
 “ a thousand forms, for which fancy found a resem-  
 “ blance in nature. When the eye had been satis-  
 “ fied with gazing, the whole group seemed to rise in  
 “ air, and at length vanish into nothing. At such  
 “ times the air is quite serene and clear, but compressed  
 “ with subtle vapours; and these, appearing between  
 “ the eye and the object, give it all that variety of  
 “ appearances, which glasses of different refrangibi-  
 “ lities would have done.”\*

Thomson, in his *Castle of Indolence*, refers to appearances somewhat similar, in the western isles of Scotland:—

“ As when a shepherd of the Hebrid isles,  
 “ Plac’d far amid the melancholy main,  
 “ (Whether it be lone fancy him beguiles,  
 “ Or that ærial beings sometimes deign  
 “ To stand embody’d to our senses plain,)  
 “ Sees on the naked hill or valley low,  
 “ The whilst in ocean Phœbus dips his wain,  
 “ A vast assembly moving to and fro,  
 “ Then all at once in air dissolves the wondrous shew.”

However marvellous such narratives may appear to a phlegmatic reader, they will not seem incredible to the poet; whose fancy can form a still brighter and more gay creation, without the aid of ærial refractions or reflections. And if these fictions deviate not too far from verisimilitude, they agreeably agitate the mind with the mixed emotions of surprize and delight. But in delineations of nature, they have no legitimate place; and the judgment rejects with

\* See Goldsmith’s *History of the Earth*, vol. i.

disgust whatever falsifies the truth of description by its obvious incongruity. Myrtle groves, perennial springs, unfading flowers, and odoriferous gales, the hackneyed Arcadian scenery, accord not with an English landscape. And equally unsuitable to our climate, and to the views of this country, are the spicy beauties and pearly treasures of the East. Yet Milton, in his *Comus*, thus addresses the goddess of the Severn:

“ May thy billows roll ashore  
“ The beryl, and the golden ore!  
“ May thy lofty head be crown’d .  
“ With many a tower, and terrace round;  
“ And here and there, thy banks upon,  
“ With groves of myrrh and cinnamon.”

But the poet is not upon all occasions to be confined within the precise boundaries of truth. What writer, of lively fancy, in describing a morning walk on the banks of Kewick, would not embellish the beauty of the scene by the MELODY OF BIRDS; and thus add the charms of music to all the enchantments of vision? Yet, I believe, there is not a feathered songster to be found in those delightful vales; probably, owing to the terror inspired by the birds of prey, which abound on the mountains that surround them. The same observation will perhaps justify the author of the *DESERTED VILLAGE*, when he attempts to magnify the horrors of an American wilderness, by introducing the tiger into the tremendous group; though this animal has never yet been found in the British transatlantic settlements:



“ Those pois’nous fields, with rank luxuriance crown’d,  
“ Where the dark scorpion gathers death around;  
“ Where, at each step, the stranger fears to wake  
“ The rattling terrors of the vengeful snake;  
“ Where *crouching tigers* wait their hapless prey,  
“ And savage men, more murd’rous still than they;  
“ While oft in whirls the mad tornado flies,  
“ Mingling the ravag’d landscape with the skies.”

I cannot close this Essay, without making an apology for the freedom of my strictures on poetical merit: and I feel a peculiar diffidence with respect to the animadversions on a poet, who is justly the boast and glory of Britain. To pluck a leaf from the brow of Milton, may be deemed a sacrilegious attempt to injure the laurels of our country. Should it not, however, be recollected, that error is most dangerous, when dignified by high example; and that it is no disparagement to genius, however exalted, to ascribe to it some portion of that imperfection, which is the common allotment of humanity?

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ON THE  
INTELLECTUAL AND MORAL CONDUCT  
OF  
EXPERIMENTAL PURSUITS.

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HOMO, NATURÆ MINISTER ET INTERPRES, TANTUM FACIT ET  
INTELLIGIT, QUANTUM DE NATURÆ ORDINE, RE VEL MENTE,  
OBSERVAVERIT; NEC AMPLIUS SCIT, AUT POTEST.

BACON, NOV. ORGAN. APH. I.





ON THE

INTELLECTUAL AND MORAL CONDUCT

OF

EXPERIMENTAL PURSUITS.\*

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THE very learned and ingenious author of *Hermes*† has stigmatized the pursuits of modern philosophy, by treating them as mere *experimental amusements*; and charging those who are engaged in such pursuits, with deeming nothing *demonstration*, that is not made *ocular*. Thus, instead of ascending from *sense* to *intellect*, the natural progress of all true learning, he observes, that the philosopher hurries into the midst of sense, where he wanders at random, lost in a labyrinth of *infinite particulars*. It would be easy to retaliate on this celebrated writer, by pointing out the futility of the syllogistic mode of philosophizing, instituted by his favourite Aristotle. I might

\* Read before the Literary and Philosophical Society of Manchester, and inserted in the second volume of their Memoirs.

† See a philosophical enquiry concerning Universal Grammar, by James Harris, esq; p. 361.

also oppose to his authority that of Lord Verulam, the brightest luminary of science, who objects in the strongest terms against that reverence for speculations purely intellectual, “by means whereof,” as he expresses himself, “men have withdrawn too much from the contemplations of nature, and the observations of experience, and have tumbled up and down in their own reason and conceits. Upon these intellectualists, who are notwithstanding commonly taken for the most sublime and divine philosophers, Heraclitus gave a just censure, saying, *men sought truth in their own little worlds, and not in the great and common world.\**”

But, without depreciating metaphysics, a science which I have always studied with delight, and which invigorates the faculties of the mind, and gives precision and accuracy to our rational investigations, by instructing us in the nicer discriminations of truth and falsehood, no doubt ought to be entertained of the high importance and dignity of natural knowledge. To this we owe the necessities, the conveniences, and all the gratifications of our being; and in the pursuit of it the understanding is exercised and improved, and the moral affections are elevated to superior degrees of piety towards our great and beneficent Creator. Nor is modern philosophy liable to the charges which have been thus contumeliously brought against it. For, I trust, it has been conducted on the principles of genuine *logic*, by all its more distinguished

\* Bacon of the Advancement of Learning, book i. p. 20.

professors, who have been sedulously careful first to establish sound premises, and then to deduce just conclusions.

The immortal Newton, from an appearance which we daily observe, the fall of bodies to the ground, ascended by patient investigation, and by a regular gradation of evidence, to the great law of gravity: and having ascertained this general principle, he extended it over the universe; explaining by it not only the phænomena of our globe, but the revolutions of the whole planetary system. By the successive adoption of the same *analytic* and *synthetic* mode of reasoning, he demonstrated his beautiful theory of light and colours. Numberless other subsequent discoveries have been conducted on the same scientific plan, as might be evinced by references to the writings of our own and foreign philosophers.

Even the chemists have long since deserted their jargon and mysterious conceits; and they now carry on their researches in a perspicuous and rational manner. That unknown principle, phlogiston, to which they referred so many operations of nature, explaining, as the logicians express it, *ignotum per ignotius*, has been lately shewn to be no creature of the imagination; and may be exhibited to the senses, under the form of inflammable air. Fire, subtle as it is in its activity, and universal in its energy, has been traced through all its modifications, measured by different standards, and reduced to known, precise, and permanent laws. It is therefore no just complaint,

that intelligent principles are neglected, and that empiricism in physics is honoured with exclusive encouragement. Yet, in the prevailing rage for experiments, it cannot be unseasonable to caution the young adventurer, not to deem the microscope, the retort, or the air-pump, unerring guides to truth; but to prosecute his researches into nature with a modest conviction of the fallacy of his senses, and the limited powers of his understanding. “You will wonder,” says Mr. Boyle in the preface to his essays, “that I should use so often *perhaps, it seems, 'tis not improbable*; words which argue a diffidence of the truth of the opinions I incline to. But I have hitherto not unfrequently found, that what pleased me for a while, was soon after disgraced by some further or new experiment.”

Mr. Bewley, an eminent chemist, not long since informed me, that he concluded the presence of the vitriolic acid to be unnecessary to produce the spontaneous accension of Homberg’s pyrophorus; and delivered this opinion to the public, on the evidence of at least fifty different trials.\* Yet, with minerals taken from the same bottle, the experiment afterwards failed nearly as often, though the minutest circumstances in the process were as much alike as attention could render them. Contrarieties, equally humiliating, have often occurred in my own philosophical pursuits. But the most instructive lesson of modesty

\* See Priestley on Air, vol. iii. Appendix, p. 395.



and reserve, which I recollect in the course of my experience, is the one I shall now briefly recite.

The favourable influence of fixed air on vegetation I believed to have been ascertained by more than a hundred experiments, which I made in the year 1775. Many of these experiments were repeated afterwards by Mr. Henry, Mr. Bew, and others. But Dr. Priestley, whose accuracy and fidelity are not less distinguished than his learning and ingenuity, has since drawn conclusions from the prosecution of this subject, which militate totally with mine. I resumed the enquiry, and engaged several of my friends in it. The result of all our trials was uniformly the same, viz. that fixed air, in a due proportion, is so favourable to vegetable growth, that it may justly be deemed a *pabulum* of plants. Dr. Priestley's subsequent experiments, however, were still contradictory to mine: and in one of his friendly letters to me, he thus expresses himself:—"In all these cases you will say, I  
"choak the plants with too great a quantity of *whole-*  
"*some* nourishment: and to all yours I say, you do  
"not give them enough of the *noxious matter* to kill  
"them. Thus the amicable controversy must rest  
"between us; and like all other combatants, we  
"shall both sing TE DEUM." But I felt little disposition to exultation on such an occasion, and dropt the subject; conscious that though nature be always the same, we often view her under fallacious appearances. Time, however, and the researches of foreign philosophers have thrown new lights on this disputed point.

And I am informed, by a letter from our common friend, Mr. Vaughan, that Dr. Priestley now admits the falubrity of fixed air to vegetable life. I shall copy the paragraph which contains the account.

“ Dr. Priestley tells me of a very valuable book, written by a person of Geneva, on vegetation; particularly as to the influence of light, which he maintains to be a phlogisticating process, acting on the resinous parts of plants only. He also affirms, to the satisfaction of Dr. Priestley, that not only phlogiston is the grand pabulum of plants, but that its predominant form of reception is that of fixed air; which, in a proper degree and place of application, he shews to be salutary to all plants whatever.”

Differences in the results of our inquiries, or in those of others, whilst they incite attention, and guard us against confidence and presumption, should neither diminish the veneration due to philosophy, nor repress our temperate ardour in the pursuit of truth. We should recollect, that though the operations of nature are simple, uniform, and regular, they are only discovered to be such, when fully unfolded to our understandings: and that, when we endeavour to trace her laws by artificial arrangements, combinations, or decompositions, which is all that *experiment* can accomplish,\* success may be sometimes frustrated by circumstances so minute, as to elude the most saga-

\* Ad opera nil aliud potest homo, quam ut corpora naturalia admoveat, et amoveat; reliqua natura ipsa intus transigit.—BACON, *Nov. Organ.*

cious observation. From the history of electricity it appears, that the gentlemen first engaged in the culture of that science ascribed opposite effects to the use of boiling water in the Leyden phial. M. Jallabert, of Geneva, and others, invariably found that the electric powers of the bottle were increased by the water; whereas Messrs. Kinnerly, Nollet, and Watson, experienced the reverse, in all their trials. It has since been shewn that the jarring decisions of those learned men were owing to the difference in the action of boiling water on the several kinds of glass employed. Contradictory opinions are now held by two very celebrated chemists concerning the nature of steel; one asserting that its phlogiston is augmented, the other that it is diminished, in the process by which it is made. Both appeal to experiment in support of their opinions; and as the point in dispute is of importance to the arts, it merits a more complete and satisfactory investigation.

To these examples I shall add another, in which I have myself been particularly interested. The Rev. Dr. Hales, whose experimental inquiries were generally directed to the good of his fellow-creatures, discovered a lithontriptic power in certain fermenting mixtures. But he acknowledges the impracticability of injecting such mixtures into the bladder, with sufficient frequency, to dissolve the stone; and recites his experiments chiefly with a view to engage others in the same laudable and important pursuit. The subject however sunk into oblivion, and no further

attempts of this kind were made, till the notice of the public was again excited towards the properties and uses of factitious air, by the writings of various learned and ingenious men. At this time (1774) Dr. Saunders, a physician in London, eminent for his knowledge of chemistry, renewed the experiments which Dr. Hales had begun, and found that the solvent power, ascribed to the fermenting mixtures, resided only in the fixed air. Hearing some very imperfect accounts of this discovery, curiosity and humanity engaged me in the pursuit of it. I recollected that Dr. Black and Mr. Cavendish had proved the solubility of various earthy bodies in water, either by abstracting from or superadding to the fixed air which they contain. And as the human calculus is dissolved in the former way, by lime-water and the caustic alkali, it appeared to me highly probable, that the effect would be produced in the same substance by the latter mode of operation. Analogy seemed favourable to the hypothesis, and a series of experiments, which I made with great care, in the fullest manner confirmed it. Two years afterwards Dr. Falconer engaged in the same inquiry, and the results of his trials exactly coincide with those which I have related. This united evidence has been also strengthened by the subsequent testimony of Dr. Priestley and Dr. Hulme. Yet decisive as it appears to be, a friend of mine, who is a very able and accurate experimenter, assures me, that the *calculi*, which he has tried, uniformly resist the action of mephitic water: and he further adds,



that not one of them has been found to contain a single grain of absorbent earth; but that all of them proved inflammable, like gall-stones. Dr. Heberden has also favoured me with similar information respecting their analysis. On the other hand, I have shewn that these substances vary in their structure and composition; that calcination converts some into quicklime; that others are consumed entirely in the fire; and that a third sort yield, after burning, an insipid residuum, incapable of giving any impregnation to water.\* What then are we to infer from premises, apparently so inconsistent? Let us deduce from them these salutary lessons; that dogmatism is unbecoming a philosopher; that fallacy may attend our clearest views; and that unperceived diversities in the subjects of our investigation may render truth compatible with contrariety of evidence.

An eagerness to establish systems, and a fastidious disdain of perplexity, contradiction, or disappointment, are dispositions highly unfavourable to physical investigation. Lord Bacon has well observed, “that one who begins with certainties, shall end in doubts; but if he will be content to begin with doubts, he shall end in certainties.”† The progress of science is usually slow and gradual; and in all ordinary cases the *race is not to the swift*, but to the steady, the patient, and the persevering. A man of lively parts and

\* Philosoph. Medic. and Experim. Essays.

† Advancement of Learning, book i. p. 20.

fertile imagination generally engages in philosophical researches with too much impetuosity; and if he be fortunate in the attainment of a few leading facts, he supplies all remaining deficiencies by conjecture and hypothesis. But should his career be obstructed by contradictory phænomena, he quits the study of nature with disgust, and concludes that all is uncertainty, because he has had the mortification to find himself mistaken. A scepticism like this, founded in pride and indolence, is equally subversive both of speculation and of action. We can apply to no branch of human learning which is secure from illusion, or exempt from controversy; nor engage in any plan of life with undeviating judgment, and uninterrupted success. So true is the sentiment of the Roman poet:

“Nunquam quisquam ita bene subducta ratione ad vitam fuit,  
 “Quin res, ætas, usus, semper aliquid apportet novi;  
 “Aliquid admoneat: ut illa, quæ te scire credas, nescias,  
 “Et quæ tibi putaris prima in experiundo repudies.”

TERENT.

But as disappointments in life often furnish the best lessons of wisdom, so those in philosophy may frequently be applied to the promotion of science. In experimental pursuits, which are not undertaken at random, but with consistent and rational views, we necessarily form a preconception of the induction to be established. If the trials succeed in which we are engaged, our end is obtained, and for the most part we rest satisfied. But if the proofs fail, some unexpected phænomena often occur, which awaken our attention,

suggest new analogies, and excite us perhaps to the investigation of other propositions of more importance than the antecedent ones. The very interesting and comprehensive discoveries of Dr. Black, concerning the nature of calcareous earths, and alkaline salts, in their different states of mildness and causticity, originated from an incident of this kind.\* And many similar examples might be adduced from the records of philosophy. But whether such be the fortunate event or not, a negative truth may be of as much value as a positive one; and consequently, success or disappointment may prove equally useful in experimental researches.†

To deduce the general characters of a body from one single property of it, individually considered, seems contrary to the rules of philosophizing: and the young experimenter should be cautious both of admitting and of forming such analogies. Yet they are sometimes so strong as to force conviction even against the evidence of sense, and of general opinion. The diamond was held by chemists, in the time of Sir Isaac Newton, to be apyrous, and could not be suspected, from any of its known qualities, to be of an inflammable nature. Yet this vigilant philosopher did not hesitate to consider it as an *unctuous coagulum*, solely from its possessing a very high degree of refractive power on the rays of light. For this power he

\* See Essays Physical and Literary.

† See the Author's Philosophical, Medical, and Experimental Essays, vol. i. fourth edit.

found to depend chiefly, if not wholly, on the sulphureous parts of which bodies are composed. Late experiments have confirmed this opinion, and fully proved that diamonds consist almost entirely of pure phlogiston; since they are capable of being volatilized by heat in close vessels, of pervading the most solid porcelain crucibles, and of being converted into actual flame.

The accuracy of this inference is a striking proof of the importance of judicious and comprehensive analogies, and of the advantages resulting from the mode of reasoning by induction. For, to use the words of Sir Isaac Newton, “ though the arguing “ from experiments and observations by induction is “ no *demonstration* of general conclusions, yet it is “ the best way of arguing, which the nature of things “ admits of; and may be looked upon as so much “ the stronger, by how much the induction is more “ general.” This improved species of logic was first recommended and introduced into physics by Lord Verulam, who at a very early period of life saw the futility of Aristotle’s syllogistic system, which, proceeding on the superficial enumeration of a few particulars, rises at once to the establishment of universal propositions. *Duæ viæ sunt, atque esse possunt, ad inquirendam et inveniendam veritatem. Altera a sensu et particularibus advolat ad axiomata maxime generalia, atque ex iis principiis, eorumque immota veritate judicat et invenit axiomata media; atque hæc via in usu est. Altera à sensu et particularibus excitat*



*axiomata, ascendendo continenter et gradatim, ut ultimo loco perveniantur ad maximè generalia; quæ via vera est, sed intentata.\**

It is obvious that the force of this inductive method of reasoning must depend on the advancement which has been made in the different branches of physics. Indeed, it presupposes a store of particular facts, gradually accumulated, but sufficiently ample, and fit for reduction into their proper classes. Time and observation will be continually diminishing the number, and consequently enlarging the boundaries of these classes, by discovering other relations between them, and pointing out the connection of phænomena, deemed at first distinct and independent. But it must be remembered that every accession to knowledge renews the doubts and difficulties that result from ignorance; because it presents fresh objects to our investigation, and further *desiderata* to our wishes. It is this endless progression of science, which, by gratifying curiosity with perpetual novelty, and animating ambition with prospects of higher and higher attainments, sometimes gives the attachment to it an undue ascendancy over every other principle of the mind. But having expatiated in another Essay,\* on the folly of such extravagant ardour in the pursuits of knowledge, I shall now close these reflections with the following lines from Milton:—

\* Bacon, Nov. Organ. lib. i. Aphor. 19.

\* On Inconsistency of Expectation in Literary Pursuits.

“ . . . Apt the mind, or fancy, is to rove  
“ Uncheck’d, and of her roving is no end;  
“ Till warn’d, or by experience taught, she learn,  
“ That not to know at large of things remote  
“ From use, obscure and subtle, but to know  
“ That which before us lies, in daily life,  
“ Is the prime wisdom; what is more is fume,  
“ Or emptiness, or fond impertinence,  
“ And renders us in things that most concern,  
“ Unpractis’d, unprepared, and still to seek.”

PAR. LOST, book viii.

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A  
T R I B U T E

TO THE MEMORY OF

CHARLES DE POLIER, ESQ;

ADDRESSED TO THE

LITERARY AND PHILOSOPHICAL SOCIETY OF  
MANCHESTER.

OCTOBER 30, 1782.

*AT a meeting of the LITERARY and PHILOSOPHICAL SOCIETY of MANCHESTER, the following resolution passed unanimously :—*

*“The Members of the LITERARY and PHILOSOPHICAL SOCIETY, lamenting, with heartfelt concern, the death of their late much honoured brother CHARLES DE POLIER, esq; unanimously resolve, that DR. PERCIVAL be requested to draw up a grateful and respectful Tribute to his Memory, to be inserted in the Journals of the Society, with a view to record his distinguished merit, and to prolong the influence of his bright example.”*

NOVEMBER 13, 1782.

*AT a meeting of the LITERARY and PHILOSOPHICAL SOCIETY, it was resolved unanimously,*

*“That the Thanks of the Society be returned to DR. PERCIVAL, for his Tribute to the Memory of CHARLES DE POLIER, esq; and that he be desired to print the same.”*



A

# T R I B U T E

TO THE MEMORY OF

CHARLES DE POLIER, ESQ;

ADDRESSED TO THE

LITERARY AND PHILOSOPHICAL SOCIETY OF  
MANCHESTER.

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THE contemplation of moral and intellectual excellence affords the most pleasing and instructive exercise to a well-constituted mind. By exalting our ideas of the human character, it expands and heightens the principle of benevolence; and at the same time is favourable to piety, by raising our views to the Supreme Author of all that is fair and good in man.

The wise and the virtuous have ever dwelt with delight on the meritorious talents and dispositions of their fellow-creatures; and an amiable philosopher drew from this source such sweet consolations, under the toils and distresses of life, that he warmly recommends the practice to our imitation. “*When you*

*“ would recreate yourself,”* says M. Antoninus, *“ reflect on the laudable qualities of your acquaintance ; on the magnanimity of one, the modesty of another, or the liberality of a third.\*”* Generous meditation ! which every one present may indulge ; and by indulging, assimilate to his own nature the various perfections of others ; transfusing, as it were, into his breast, the virtues which he contemplates.

Can we engage ourselves in such an exercise, without the most lively recollection of our late honoured and beloved colleague ? His image presents itself before us ; and we instantly recognise the agreeableness of his form, the animation of his countenance, the vigour of his understanding, and the goodness of his heart. How graceful was his address ; how sprightly, entertaining, and intelligent, his conversation ! What rich stores of knowledge did he display ; what facility in the use, what judgment in the application of them ! Few have been the subjects of discussion in this Society, which his observations have not enlightened : and what he could not himself elucidate, he has enabled others to do, by the pertinency of his queries, and the sagacity of his conjectures. So quick was his penetration, so enlarged his comprehension, so exact the arrangement of his intellectual treasures ! Learning, with some, is the parent of mental obscurity ; and the multiplicity of ideas which have been acquired by severe study, serve only to produce perplexity and confusion.

\* M. Antonin. lib. vi.

But Mr. de Polier's thoughts were always ready at command: and he engaged with perspicuity on every topic of discourse, because he saw, at one view, all its relations and analogies to those branches of knowledge with which he was already acquainted. With such felicity of genius, he was continually making large accessions to his stock of science, without laborious researches, or seclusion from the social enjoyments of life.

Of his abilities as a writer, he furnished us with a striking proof, in the Dissertation he delivered last winter;\* which is equally distinguished by the justness of its sentiments, and the purity of its diction; and fully displays his perfect attainment both of the idiom and embellishments of the English language.

But Mr. de Polier had merits, more estimable than those, which he derived from the vivacity of his fancy, the elegance of his taste, or the powers of his understanding. And his friends will cordially unite with me in testifying, that, if honoured for his *intellectual*, he was beloved for his *moral* endowments. His heart was open to every generous sympathy; and the sensibility of his nature so enlivened all his perceptions, that the ordinary duties of social intercourse were performed by him with a warmth, almost equal to that of friendship. Nor was this the artificial deportment of unmeaning courtesy; but the generous effusion of a heart, which felt for

\* On the pleasure which the mind receives from the exercise of its faculties, and particularly that of taste.

all mankind. In such *philanthropy*, politeness has its true foundation: and of this joint grace of nature and education, “which aids and strengthens virtue where it meets her, and imitates her actions where she is not,” our lamented brother was a bright example. So engaging were his manners, and at the same time so sincere his disposition, that we may apply to him with *honour*, what Cicero meant as a *reproach*; that he was qualified, *cum tristibus severè, cum remissis jucundè, cum senibus graviter, cum juventute comiter vivere*. These powers of pleasing flowed from no servile compliances, nor ever led him into criminal indulgences. As a companion, he was convivial without intemperance, and gay without levity or licentiousness. His conversation was sprightly and unreserved; but, in the most unguarded hours of mirth, exempt from all indecency and profaneness: and the sallies of his wit and pleasantry were so seasoned with good humour, that they gave delight, unmixed with pain, even to those who were the objects of them. If the coarser pleasures of the bottle be banished from our tables; or if rational conversation, and delicacy of behaviour, with the sweet society of the softer sex, be now substituted in their room, this happy revolution has been rendered more complete by the influence of Mr. de Polier.

Yet though URBANITY, according to the most liberal interpretation of that term, was the *characteristic* of our excellent colleague, he possessed other endowments, of more intrinsic value: and I could



enlarge, with pleasure, on his nice sense of rectitude, his inviolable integrity, and sacred regard to truth. These moral virtues were, in him, founded on no fictitious principle of *honour*, but resulted from the constitution of his mind; and were strengthened by habit, regulated by reason, and sanctioned by religion: for, notwithstanding the veil which he chose to cast over his *piety*, it was manifest to his intimate friends; and may be recollected by others, who have marked the seriousness with which he discoursed on every subject relative to the being and attributes of God. Defective indeed must be the character of that man, who can discern and acknowledge, without venerating, the divine perfections; and partake of the bounties of nature, yet feel no emotions of gratitude towards its benevolent Author. *A little philosophy, says Lord Verulam, may incline the mind to atheism; but depth in philosophy will bring it about again to religion.\**

I have thus attempted to draw a rude sketch of the features of our late honoured friend. A fuller delineation might furnish a more pleasing picture to strangers; but to the members of this society, a few outlines will suffice to revive the image of the beloved original. This image, I trust, will be long and for-

\* The noble author subjoins a just reason for this observation: "For while the mind of man," says he, "looketh upon *second causes* fostered, it may sometimes rest in them, and go no farther: but when it beholdeth the chain of them linked together, it must needs fly to Providence and Deity."

cibly impressed on our minds ; and that every one here present may adopt the language of Tacitus, on a similar occasion : “ *Quicquid ex Agricola amavimus,*  
*quicquid mirati sumus, manet, mansurumque est in*  
*animis hominum.*” “ Whatever in Agricola was  
 “ the object of our love and of our admiration, re-  
 “ mains, and will remain, in the hearts of all who  
 “ knew him.”

Having taken a short view of the character of Mr. de Polier, curiosity and attachment concur in prompting us to extend the retrospect; and we become solicitous to know something of his connections and education ; and to trace the leading events of a life, in the conclusion of which we have been so deeply interested. But our friend was no egotist; and the zeal with which he entered into the concerns of others, precluded the detail of his own. I must content myself, therefore, with presenting to the society the following brief memoirs.

Charles de Polier Bottens was the son of the Rev. — de Polier Bottens, Dean of the Cathedral Church of Lausanne, President of the Synod of the Pais de Vaud, Member of the Society of Arts and Sciences at Mannheim, and citizen of Geneva. He was born at Lausanne, in the year 1753; and received the first part of his education in the public schools of that city. As soon as he had acquired a sufficient knowledge of the classics, he was sent to an academy near Cassel, in Germany; from whence, after a residence of two years, he was removed to

the university of Gottingen. In this celebrated feat of learning, he passed three years; and being then inclined to a military life, he obtained a lieutenant's commission in the Swiss regiment of D'Erlach, in the French service. But he soon resigned his commission, and returned to Lausanne, where he had a command given him in one of the provincial regiments of dragoons. In this situation, his connection commenced with the Earl of Tyrone; who offered him the tuition of his eldest son, Lord le Poer, on terms equally honourable and advantageous. But before the engagement was completed, proposals were made to him by the Duke of Saxe Gotha, to become governor to the hereditary prince, with an annuity for life of twelve hundred rix-dollars, an apartment at court, and the post of chamberlain, or rank of colonel. These proposals, however, he declined in favour of Lord Tyrone. And he executed the important trust assigned to him with such judgement, tenderness, and fidelity, as induced that respectable nobleman to commit three of his children to his sole direction. These amiable youths he brought to England in the summer of 1779, and settled them at the school of a clergyman in Manchester, who is eminently distinguished by his virtues and abilities.

At this period our first acquaintance with Mr. de Polier was formed. By the laws of hospitality he was entitled to our attention as a stranger. But his personal accomplishments, and the charms of his conversation, soon superseded the ordinary claims of

custom, and converted formal civility into esteem and friendship. He became our companion in pleasure, our assistant in study, our counsellor in difficulty, and our solace in distress. Amusement acquired a dignity and zest by his participation, and he softened the austerity of philosophy whenever he joined in the pursuit. The institution which now celebrates his memory, owes to him much of its popularity and success; and so long as it subsists, his name will be revered as one of its founders and most shining ornaments.

About the middle of last winter he was attacked by a complaint, which at first gave no disturbance to the vital functions. But being aggravated by the fatigues of a long journey to Holyhead, and of a voyage from thence to Dublin, at a time when he laboured under the *Influenza*, the malady rapidly increased after his arrival in Ireland, and put a final period to his valuable life on the 18th of October 1782\*. The vigour of his faculties, and the warmth of his affections, continued even to the hour of his dissolution. And the amiableness of his behaviour in the closing scene of trial and suffering through which he passed, gave such completion to his character, that we may apply to him what the poet has said of Mr. Addison:

--- "He taught us how to live; and, oh! too high  
"The price of knowledge, taught us how to die!"†

\* At Curraghmore, near Waterford, the seat of the Earl of Tyrone.

† Tickell's Poems on the death of Mr. Addison.



On this affecting event, I cannot express your feelings and my own, in terms so forcible as those of the animated historian, whom I have before quoted. *Si quis piorum manibus locus ; si, ut sapientibus placet, non cum corpore exstinguuntur magnæ animæ ; placide quiescas, nosque ab infirmo desiderio, ad contemplationem virtutum tuarum voces, quas neque lugeri neque plangi fas est !* *Admiratione te potius temporalibus laudibus, et si natura suppeditet, similitudine decoremus !*\* “ If there be any habitation for the shades  
“ of the virtuous ; if, as philosophers suppose,  
“ exalted souls do not perish with the body ; may  
“ you repose in peace, and recall us from vain regret  
“ to the contemplation of your virtues, which allow  
“ no place for mourning or complaint ! Let us  
“ adorn your memory rather by a fixed admiration,  
“ and if our natures will permit, by an imitation of  
“ your excellent qualities, than by temporary  
“ eulogies.†

\* Tacit. Vit. Agricolaë.

† See Mr. Aikin's Translation of the Life of Agricola.





AN  
APPENDIX;  
CONTAINING  
SUPPLEMENTARY REMARKS,  
AND ILLUSTRATIONS.

AS the Socratic mode of discussion admits not of interruption by Notes, the author has chosen to insert in this place such additional REMARKS and ILLUSTRATIONS, concerning the subject-matter of the Discourse on TRUTH, as further reading or reflection have suggested to his mind. He has also annexed a few supplementary Notes to the other DISSERTATIONS.

## SOCRATIC DISCOURSE.

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### SUPPLEMENTARY REMARKS AND ILLUSTRATIONS.

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#### I. TRUE AND FALSE HONOUR.\*

THERE is a principle of HONOUR which seems to be, in some measure, distinct from that of virtue; and originates from the association of certain ideas of propriety, or pride, with rectitude of conduct. Amongst the ancient Greeks and Romans, virtue and honour were deified; and a joint altar was consecrated to them at Rome; but afterwards each of them had separate temples; so connected, however, that no one could enter the temple of honour without passing through that of virtue.

The genuine principle of honour, in its full extent, may be defined, a quick perception and strong feeling of moral obligation, particularly with respect to probity and truth, in conjunction with an acute sensibility to shame, reproach, or infamy. But in different characters, these two constituent parts of the principle are found to exist in proportions so widely diversified, as sometimes to appear almost single and detached. The former always *aids and strengthens* virtue; the latter may, occasionally, *imitate her actions*,† when

\* See page 8.

\* "Honour's a sacred tie, the law of kings,

"The noble brand's distinguishing perfection,

"That aids and strengthens Virtue where it meets her,

"And imitates her actions where she is not:

"It ought not to be sported with."

Adanson's Caty.

fashion happily countenances, or high example prompts to rectitude. But being connected, for the most part, with a jealous pride, and capricious irritability, it will be more shocked with the *imputation*, than with the *commission* of what is wrong. And thus it will constitute that spurious honour, which, by a perversion of the laws of association, *puts evil for good, and good for evil*; and, under the sanction of a name, perpetrates crimes without remorse, and even without ignominy. To this empirical morality *duelling* owes its rise, which, with fatal confidence, pretends to cure the indecorums of social intercourse, whilst it destroys the lives of individuals, subverts the peace of families, and violates the most sacred laws of the community. It is astonishing that a practice, which originated in the dark ages of ignorance, superstition, and disorder, should be continued in this enlightened period, though condemned by the polity of every state, and utterly repugnant to the spirit and precepts of Christianity. The ancient Germans, Danes, and Franks were used to decide criminal questions of fact, in the last resort, by combat. But this method of trial, about the close of the fifth century, was restrained to the following conditions:—1. That the crime, for which it was instituted, should be capital. 2. That it should be certain that the crime had been perpetrated. 3. That the accused, by common fame, should be supposed guilty. 4. That the matter should not be capable of proof by witnesses. A custom thus regulated appears wise and equitable in comparison with modern duelling, which has seldom any object, but the redress of fantastic wrongs, or the display of resentment, that often subsists before its execution. Is there a man of probity and humanity, and many of this character, I am persuaded, have been seduced by the illusions of false honour, who, if not prohibited by law, would think himself authorized to call forth his antagonist, place him as a mark, and appoint a ruffian to fire a pistol at him, because, in the heat of argument, or in the unguarded hours of convivial mirth, he has committed some trifling offence, or verbal incivility? And is it not adding the most egregious folly to injustice, to undertake himself this opprobrious office, at the hazard of his own life, and to the ruin, perhaps, of his dearest connections? For, I presume, it now forms no part of the creed of the duellist, that Divine Providence will interpose, on such occasions, to preserve the injured, and to punish the aggressor.



The military spirit which a long war has revived amongst the inhabitants of this country, and which the armed associations, established in different places, cannot fail to foster and support, may, perhaps, contribute to multiply challenges, and to extend the practice of single combat. Courage is so essential to the character of a soldier, that it becomes magnified in his estimation, far beyond its real desert; and he is not only in danger of mistaking its true nature, and proper object, but of acquiring a contempt for every virtue, which, in his perverted judgment, stands in competition with it. Like Achilles, *jura negat sibi nata; nihil non arrogat armis*. Reason and religion should, therefore, exert their united authority to check the influence of such baneful errors: and law should rigorously punish, with disgrace and infamy, the man who can sacrifice humanity to pride, and justice to the specious counterfeit of gallantry.

I shall close this section with the following passage, from the celebrated Commentaries of Sir William Blackstone:—"Express malice is, when one with a sedate, deliberate mind, and formed design, doth kill another; which formed design is evidenced by external circumstances discovering that inward intention; as lying in wait, antecedent menaces, former grudges, and concerted schemes to do him some bodily harm. This takes in the case of deliberate duelling, where both parties meet, avowedly with an intent to murder; thinking it their duty as gentlemen, and claiming it as their right, to wanton with their own lives, and those of their fellow-creatures, without any warrant or authority from any power, either human or divine, but in direct contradiction to the laws both of God and man: and therefore, the law has justly fixed the crime and punishment of murder, on them and on their seconds also."\*

## II. FALSE MAXIMS OF MORALITY.†

THE history of Lord Herbert, of Cherbury, admirably exemplifies the folly and danger of adopting FALSE MAXIMS OF MORALITY. From the variety of instances which offer themselves in the memoirs of this romantic nobleman, I shall select the fol-

\* Book i. chap. 14.

† See page 9.

lowing:—During his abode at the Duke of Montmorency's, about twenty-four miles from Paris, it happened one evening, that a daughter of the Dutcheſs de Ventadour, of about ten or eleven years of age, went to walk in the meadows with his lordſhip, and ſeveral other gentlemen and ladies. The young lady wore a knot of ribband on her head, which a French chevalier ſnatched away, and ſuſtained to his hatband. He was deſired to return it, but reſuſed. The lady then requeſted Lord Herbert to recover it for her. A race enſued; and the chevalier finding himſelf likely to be overtaken, made a ſudden turn, and was about to deliver his prize to the young lady, when Lord Herbert ſeized his arm and cried out, “I giye it you.” ‘Pardon me,’ ſaid the lady, ‘it is he who gives it me.’ “Madam,” replied Lord Herbert, “I will not con-tradiſt you; but if the chevalier do not acknowledge that I con-ſtrain him to give the riband, I will fight with him.” And the next day he ſent him a challenge, “being bound thereunto,” ſays he, “by the oath taken when I was made knight of the bath.”

He relates, alſo, three other ſimilar caſes to ſhew, *how ſtrictly he held himſelf to his oath of knighthood*. “This oath,” ſays the ingenious editor of Lord Herbert's life, “is one remnant of a ſuperſtitious and romantic age, which an age calling itſelf enlightened ſtill retains. The ſolemn ſervice at the inveſtiture of the knights, which has not the leaſt connection with any thing holy, is a piece of the ſame proſane pageantry. The oath being no longer ſuppoſed to bind, it is ſtrange mockery to invoke heaven on ſo trifling an occaſion.” And it would be more ſtrange, if each knight, like the miſguided Lord Herbert, ſhould think himſelf obliged to cut a man's throat, whenever a young lady loſes her top-knot!

Theſe religious engagements are ſo often miſapplied, that it cannot be unſeaſonable to enter into a brief diſcuſſion of their true nature and obligation. A vow may be defined, *a devout promiſe made to God, reſpecting either the performance or omiſſion of ſome voluntary act*; and is often accompanied with an imprecation of divine vengeance on the infraſtion of it. The only legitimate uſe of ſuch an engagement is, to increaſe our abhorrence of what is evil, and to confirm our reſolution in the more arduous purſuits of virtue. It cannot, therefore, be applied to the neglect of any antecedent duty, or to the accompliſhment of any impious or immoral purpoſe. Were it otherwiſe, theſe arbitrary ties might be made a

plea for violating every law, whether human or divine. Even prudence, in certain cases, is of sufficient force to supersede the validity of a vow. Thus, if the superstitious parent of a numerous and helpless family were, in some pressing danger, to invoke the assistance of heaven, by the most solemn avowal of his resolution to give all his substance to the church, or to the poor; such an absurd intention has not the nature of an engagement, and is void in itself: for, we are assured, that the execution of it could never prove acceptable to a wise and benevolent Deity, with whom alone the contract was made. But this reasoning does not extend to rash and injurious bargains, or to promises of a social nature, which have been confirmed by an oath: for, as the maintenance of faith is of the highest importance in the commerce of life; to add impiety to the breach of it, must certainly be deemed an aggravation of the offence: and in such instances, *the good man changeth not, though he swear to his own hurt.*

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### III. FEALTY TO MAGISTRATES.

THE COMMANDS of the MAGISTRATE, or of the LEGISLATURE, are not binding, when they oppose the known and acknowledged obligations of morality; and the younger Cato has been justly censured, for engaging in the execution of what he himself deemed a violent and most oppressive sentence against Ptolemy, king of Cyprus. This prince was brother to the king of Egypt, and reigned by the same right of hereditary succession. He was in full peace and amity with Rome, and was accused of no practices, nor suspected of any designs against the republic. But the infamous Clodius, who was then tribune, proposed and obtained the law, from motives of private pique and revenge. To give a sanction to it, Cato was charged with its fulfilment; and undertook the commission, though contrary to all his ideas of justice and rectitude. I believe no mortal of the present times will admit the validity of Cicero's apology for the misconduct of his friend: "The commission," says

\* See page 9.

he, "was designed not to adorn, but to banish Cato; not offered, "but imposed upon him. Why then did he obey it? For the "same reason, that he *swore to obey* other laws, which he knew to "be unjust, that he might not expose himself to the fury of his "enemies, or by a fruitless pertinacity, deprive the republic of his "services."—Orat. pro Sexto.

The conduct of Scipio Africanus, in the destruction of the brave Numantines, is equally reprehensible; for it is confessed, by Lucius Florus, that the Romans commenced hostilities against that people, without even a pretence to render them justifiable: and the horrid barbarities, exercised in the siege of Numantia, excite peculiar indignation, from the unparalleled fortitude and vigour which the inhabitants displayed in the defence of their liberties. Such bravery, exerted in a cause so noble, merited the patronage, and should have called forth the clemency, not the resentment of Scipio. But the Romans appear to have entertained no consistent ideas concerning the privileges of other nations, or the common rights of mankind. They proudly arrogated to themselves the government of the world, and the maxim, *regere imperio populos*,\* was the plea for every conquest. This principle pervades the writings of all their poets and historians: and even the philosophical Tacitus, in delivering the memoirs of Agricola, expresses not the slightest disapprobation of the numerous and destructive expeditions into Britain. Yet he has, inadvertently, put into the mouth of Galgacus, one of the chieftains of our warlike ancestors, such sentiments as may be deemed a stigma on his venerable father-in-law, for obedience to imperial mandates, founded on cruelty and injustice. *Raptores orbis, postquam cuncta vastantibus defuere terre, et mare scrutantur: si locuples hostis est, avari; si pauper, ambitiosi. Quos non oriens, non occidens satiaverit: soli omnium, opes atque inopiam, pari assidu concupiscunt. Auferre, trucidare, rapere falsis nominibus, imperium; atque ubi solitudinem faciunt, pacem appellant.*†

"These plunderers of the world, after exhausting the land by "their devastations, are rising the ocean: stimulated by avarice, it

\* "TU REGERE IMPERIO POPULOS Romane memento,

"(He tibi erant artes) pacisque imponere morem,

"Parcie flectis, et debellare superbos."

VIRG.

† Tacit. Vit. Agric.



“ their enemy be rich; by ambition, if poor; unsatiated by the east,  
 “ and by the west; the only people who behold wealth and indig-  
 “ nence with equal avidity: to ravage, to slaughter, to usurp under  
 “ false titles, they call empire; and when they make a desert, they  
 “ call it peace.”\*

Modern conquests have been founded on claims equally invalid and tyrannical with those of the Romans. It is a satire on human reason, and still more disgraceful to the moral feelings of mankind, to review the principles on which the Spaniards affected to establish their rights to the extensive dominions in the new world. Their generals were instructed to notify, with great formality, to the innocent and ignorant natives of the western hemisphere, that St. Peter had subjected the universe to the jurisdiction of the Roman Pontiff; and that this lord of the whole creation had made a grant of the islands, of the *Terra Firma*, and of the ocean, to the Catholic Kings of Castile. To these monarchs they were required to subject themselves; and if they refused, the most exemplary vengeance was denounced against them. They were threatened to be despoiled of their wives and children, to have their country ravaged, and to be themselves sold for slaves.†

Instances like these afford the most irrefragable evidence, that fealty to magistrates must always be regarded as a conditional obligation; and that implicit obedience to their commands may involve us in high degrees of guilt and infamy. Yet a very distinguished historian and moralist has cast a reflection on certain sea-officers, under the protectorate of Oliver Cromwell, who resigned their commissions from scruples of conscience relative to the Spanish war, in 1656; which the historian himself acknowledges to have been highly impolitic, and a most unwarrantable violation of treaty. “ They thought,” says Mr. Hume, “ no command of their superiors  
 “ could justify a war, which was contrary to the principles of na-  
 “ tural equity, and which the civil magistrate had no right to  
 “ order. Individuals they maintained, in resigning to the public  
 “ their natural liberty, could bestow on it what they themselves  
 “ were possessed of, a right of performing lawful actions; and could

\* *Aldrich's Translation of the Life of Agricola.*

† See Herrera, Dec. I. lib. iii. cap. 14; also Robertson's History of America, *note 23.*



“invest it with no authority or commanding what is contrary to  
 “the decrees of heaven. Such maxims, though they seem reason-  
 “able, are perhaps too perfect for human nature, and must be re-  
 “garded as one effect, though of the most innocent and even  
 “honourable kind, of that spirit, partly fanatical, partly republican,  
 “which predominated in England.” That *maxims which seem*  
*reasonable, and a spirit of the most innocent and even honourable kind*  
 should be deemed *too perfect for human nature*, participates of Ma-  
 chiavelian policy. It must be acknowledged, however, that indi-  
 viduals cannot often be fully competent to decide of the justice or  
 injustice of foreign wars; and that the officers of the state are  
 bound to obey the commands of lawful authority, when they are  
 not opposite to the clear dictates of honour and equity. But when-  
 ever the mind has sufficient evidence of the improbity, oppression,  
 or tyranny of public measures; no one, under such conviction, can  
 voluntarily abet or aid them, in consistence with duty to himself,  
 to his country, and to mankind. At the commencement of the late  
 contest with America, the Earl of Effingham found himself in this  
 distressful predicament; as appears from his letter of resignation  
 addressed to Lord Barrington; wherein he expresses his feelings in  
 the following terms:—“Your lordship is no stranger to the con-  
 “dust which I have observed in the unhappy disputes with our  
 “American colonies. The King is too just and too generous not  
 “to believe, that the votes I have given in Parliament have been  
 “given according to the dictates of my conscience. Whether I  
 “have erred or not, the course of future events must determine.  
 “In the mean time, if I were capable of such duplicity as to be any  
 “way concerned in enforcing those measures of which I have so  
 “publicly and solemnly expressed my disapprobation, I should ill  
 “deserve what I am most ambitious of obtaining—the esteem and  
 “favourable opinion of my sovereign.

“My request, therefore, to your lordship is this, that after having  
 “laid those circumstances before the King, you will assure his ma-  
 “jesty, that he has not a subject who is more ready than I am, with  
 “the utmost cheerfulness, to sacrifice his life and fortune in support  
 “of the safety, honour, and dignity of his majesty’s crown and  
 “person. But the very same principles, which have inspired me  
 “with these unalterable sentiments of duty and affection to his ma-  
 “jesty, will not suffer me to be instrumental in depriving any part

“ of his people of those liberties, which form the best security for  
 “ their fidelity and obedience to his government. As I cannot,  
 “ without reproach from my own conscience, consent to bear arms  
 “ against my fellow-subjects in America, in what, to my weak dis-  
 “ cernment is not a clear cause; and as it seems now to be finally  
 “ resolved that the 22d regiment is to go upon American service,  
 “ I desire your lordship to lay me in the most dutiful manner at his  
 “ Majesty’s feet, and humbly beg that I may be permitted to retire.

“ Your lordship will easily conceive the regret and mortifica-  
 “ tion I feel at being necessitated to quit the military profession,  
 “ which has been that of my ancestors for many generations, to  
 “ which I have been bred almost from my infancy; to which I have  
 “ devoted the study of my life; and to perfect myself in which, I  
 “ have sought instruction and service in whatever part of the world  
 “ they were to be found.

“ I have delayed this to the last moment, lest any wrong con-  
 “ struction should be given to a conduct which is influenced only  
 “ by the purest motives. I complain of nothing; I love my pro-  
 “ fession, and should think it highly blamable to quit any course  
 “ of life, in which I might be useful to the public, so long as my  
 “ constitutional principles, and my notions of honour, permitted me  
 “ to continue in it.” Sept. 12, 1775.

In the present hostilities between the Swedes and the Russians, inquietudes are said to have arisen in the minds of some of the Swedish officers, concerning the legality of the war “ The 14th  
 “ article in the form of government, presented by the king, and  
 “ agreed to by the diet, after the revolution of 1772, expressly de-  
 “ termines, ‘ that the king cannot carry on an offensive war, with-  
 “ out the consent of the states assembled.’ Nevertheless the hostile  
 “ dispositions of Russia against Sweden, at the period of fitting out  
 “ the armaments, have been sufficiently proved, so as not to render  
 “ it doubtful, whether the present war on our part is more *offensive*  
 “ than *defensive*. On this account scruples have arisen in the  
 “ minds of some officers serving in the army in Finland, ‘ whether  
 “ the officers, who, from the mere will of the king, without the  
 “ previous consent of the diet, and even without the knowledge of  
 “ the states, allow themselves to be employed in the war, which  
 “ has every appearance of being *OFFENSIVE* on our part, at least,  
 “ in the present campaign, do not render themselves responsible to

“ the nation assembled, and punishable sooner or later, for having  
 “ acted contrary to their oath.’ Yielding to these scruples, five offi-  
 “ cers applied for dismissal, and their example was soon followed  
 “ by several others.\*”

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#### IV. FALSE OPINIONS CONCERNING FRIENDSHIP. §

MANY of the ancients appear to have entertained very enthusiastic notions of FRIENDSHIP; and to have supposed, that it supersedes, in particular circumstances, both wisdom and prudence, and every species of moral obligation. When Blossius, the bosom companion of the elder Gracchus, was summoned before the senate of Rome, after the tumult which proved fatal to that tribune, he was interrogated whether he had always obeyed the commands of Gracchus? “ Yes,” answered Blossius, “ most punctually, for so I thought it my duty to do. And, if it “ had been possible for him to desire me to fire the capitol, I should “ not have scrupled to comply, from my full confidence in his “ rectitude.”† The folly and criminality of such a blind sacrifice of reason and judgment to the will of another, are too obvious to need any comment. Connections, of this servile nature, merit not the honourable appellation of friendship. And we may justly adopt the opinion, which Cicero has delivered concerning them: *Si omnia facienda sint, quæ amici velint, non AMICITIÆ tales sed CONJURATIONES putandæ sunt.*‡

Not less foreign to the true obligations of this amiable and venerable passion, was the exclamation of Themistocles: “ God forbid, that I should sit upon a tribunal, where my friends were not “ more favoured than strangers!” The letter of King Agelilaus, to one of the Spartan judges, which Plutarch has preserved, is a still more striking proof of the practical influence of the same false

\* General Evening Post, Sept. 2, 1788.

§ See page 13.      † Plut. Vit. Gracchi.      ‡ Cic. de Off.

----- “ The friendships of the world

“ Are oft confederacies in vice.”

ADDISON’S Cato.

opinion; because this prince was a man of probity and equity, virtues which belonged not to the Athenian statesman. "If Nicias be innocent," says he, "acquit him, for the sake of justice; but, if he be guilty, acquit him, for the sake of my attachment to him."\* The Roman moralist, whom I have so lately quoted, very forcibly objects to the interference of friendship, in the magisterial functions: yet, by a strange delusion, he permits an advocate to give a *plausible colouring* to the offence, with which his friend is charged; and to place the fact in the most advantageous, though it should be a *false light*.† In his treatise *de Amicitia*, he remarks, that, "in cases, which affect the life, or good fame of a friend, it may be allowable to deviate a little from what is *strictly right*, in order to comply with his desires; provided, however, that our own character be not injured by it." Such loose and erroneous maxims certainly merit animadversion: and I shall relate the following incident, which occurred several centuries before the period of Cicero, as an antidote to them. Chilo, the Lacedæmonian, one of the sages of Greece, who is celebrated for the sentence, KNOW THYSELF, which he caused to be written at Delphos in letters of gold, is said to have addressed himself to his friends, when on his death-bed, in terms to this effect:—"I cannot through the course of a long life, look back with uneasiness upon any single instance of my conduct, unless, perhaps, on that which I am going to mention; wherein I confess, I am still doubtful whether I acted properly or not. I was once appointed judge, in conjunction with two others, when my particular friend was arraigned before us. Were the laws to have taken their due course, he must inevitably have been condemned to die. After much debate, therefore, with myself, I adopted this expedient. I gave my own vote according to my conscience, but, at the same time, employed all my eloquence to prevail with my associates to absolve the criminal. Now I cannot but reflect upon this act with concern, from an apprehension that there was something of perfidy, in persuading others to go counter to what I myself esteemed right."‡

\* Plut. in Vit. Agésilai.

† Cic. de Off. lib. ii. 14.

‡ See some judicious observations on this subject, in I. Triclinius's Letters.



Tully's false ideas, concerning the privileges of friendship, betrayed him on several occasions into meanness, and even immorality of conduct. In one of his letters, he earnestly solicits Atticus to be guilty of prevarication in his defence. It seems that he had written an invective oration against an eminent senator, supposed to be Curio. This piece was designed only for the entertainment of a select party; but had fallen into the hands of his enemies, and been published by them. He wrote, therefore, to his friend in the following terms: *Percussisti autem me de oratione proleta; cui vulneri, ut scribis, medere, si quid potes. — Et quia scripta mihi videtur negligentius quam cetera, puto posses probare non esse meam.\** “You have shocked me with the news that my oration “is made public. Heal the wound, if you possibly can. — “As it is written more negligently than my other orations, I think “you may prove it *not to be mine.*” It is remarkable, that Tully should have made a request of this nature to Atticus, who is said to have had such an abhorrence of deceit, that he never uttered a falsehood himself, nor could pardon it in another. Cicero's letter to Lucceius, requesting him to write the history of his life, “and not “to reject the generous partiality of friendship, *but to give more “to affection than to truth,*” is too well known to be recited here.†

But, extravagantly as many of the ancients have estimated friendship, a modern writer of distinguished eminence has rated it still higher; and does not hesitate to assert, that all the discourses

\* Ep. ad Attic. iii. 12.

† In the intercourse of friendship the Romans do not appear to have displayed much delicacy of sentiment. The passages which I have quoted from Cicero, evince the truth of this observation. Horace affords a further confirmation of it in the close of his beautiful address to Grosphus, Ode XVI. lib. ii. And Pliny in one of his familiar epistles (Ep. XIX. lib. i.) disgraces an act of the most exalted generosity, by the insult to amity which accompanies it. “Born,” says he to Romanus Firmus, “in the same town, educated in the same school, and living “with you from early youth in habits of strict connection, I feel the strongest “motives to promote the advancement of your fortune and dignity. I send you, “therefore, three hundred thousand sesterces, (24211. sterling) to elevate you from “the rank of decurio to that of a Roman knight.” But he then adds, “From “my knowledge of your character, it is unnecessary to admonish you to behave “in your new station, thus conferred by me, with the modesty which becomes “my beneficiary. For that honour should be solicitously preserved, in which the “reputation of a benefactor is involved.” *Ego ne illud quidem admonco, quod admonere deberem, nisi te scirem sponte facturum, ut dignitate à me data quam modestissime, ut a me data, utare. Nam sollicitius custodiendus est honor, in quo etiam beneficium amici tuendam est.*



on the subject, which are handed down to us, appear to him flat and low, in comparison with the sense which he entertains of it. "This bond," he says, "dissolves every antecedent obligation; and the secret which I have sworn not to reveal to another, I may, without perjury, communicate to him, who is not *another*, but *myself*."\* If the author of the *Internal Evidence of Christianity*† had confined himself to such unwarrantable ideas of friendship, when he divests it of the sanction of our Divine Lawgiver, there could be no difficulty in acquiescing in his decision. But an affection so congenial to the principles of our religion, when properly governed, and judiciously directed, seems to merit, and I trust is not destitute of, evangelical support. Benevolence is, indeed, the great law of the Gospel dispensation; but it must have its commencement in the more confined and partial charities: and the man who has felt not the appropriated regard of a son, a brother, a husband, or a friend, cannot have a heart capable of being expanded with philanthropy. Even piety itself originates from the filial relation and we learn to transfer to the Deity that gratitude and veneration, with which the tender offices and wisdom of our parents first inspired us. It is not the object of Christianity to overturn, but to regulate the œconomy of the human mind: and if benevolence must have its foundation in private affection, the divine law, which directs the former, necessarily inculcates the latter.

That our Saviour himself experienced the tenderest sympathies of friendship, may, I think, be justly deduced, both from his strong attachment to John, the favourite disciple, and from the expressions of peculiar endearment, with which he performed the miracle of raising Lazarus from the dead. On this affecting occasion the Evangelist relates, that *Jesus wept*: and so sensible were the Jews of the anguish of his soul, that they cried out, *Behold how he loved him!*\* And if CHRIST gave such a decisive proof of personal attachment and friendship, the history of the Gospel no less clearly evinces, that his disciples felt an affection of the same tender and peculiar kind to their Divine Master. In the pathetic conversation which passed previous to the sufferings and death of Jesus, when

\* See Montaigne's *Essays*, book i. chap. 27. † Soame Jenyns, *esq.*

\* John, chap. xi. ver. 35, 36. See some admirable reflections on this subject in the *Notes* to Mr. Meimoth's Translation of *Lucretius*.

he prophetically, but tenderly, charged them with their future defection, Peter, in the warmth of his regard, replied, *though I should die with thee, yet will I not deny thee.* The bitter repentance of this Apostle, subsequent to the misconduct which his great Master had predicted, affords a further display of the force of his friendship: and CHRIST himself afterwards honoured him with the kindest and most explicit acknowledgment of it. *So when they had dined, Jesus saith to Simon Peter, Simon, son of Jonas, lovest thou me, more than these? He saith unto him, Yea, Lord, thou knowest that I love thee. He saith unto him, Feed my lambs. He saith unto him again the second time, Simon, son of Jonas, lovest thou me? He saith unto him, Yea, Lord, thou knowest that I love thee. He saith unto him, Feed my sheep. He saith unto him the third time, Simon, son of Jonas, lovest thou me? Peter was grieved because he said unto him the third time, lovest thou me? And he said unto him, Lord, thou knowest all things; thou knowest that I love thee. Jesus saith unto him, Feed my sheep.†*

In the interesting passage here recited, that lively, reciprocal, and peculiar regard, which constitutes friendship, is not only recognised, but appealed to and authorized as a generous and animating principle of action. And if the great Founder of our religion has no where expressly ordained it as a duty, it is probably, because this virtue is of *special*, and not of *universal* obligation; depending on particular relations, and contingent circumstances, which human power can seldom influence or command. It may be added, too, that the divine law presupposes the existence of such affections as are purely natural and spontaneous; and directs its precepts, not to their production, but solely to their government and regulation. Hence we find not in the whole compass of the scriptures, one explicit injunction to parents to love their children: yet, surely, this very essential moral office is not to be excluded from the catalogue of evangelical graces, notwithstanding the silence of sacred writ concerning it. And the same plea may be extended to friendship, with due allowance for its rarer occurrence and more partial obligation. The Christian, therefore, in perfect consistency with his faith, may admire and imitate the examples of generous amity, which history and observation exhibit to his view. *Peradventure for a good man, says the Apostle, some might even dare to die.*

† John, ch. xxi. ver. 15, 16, 17.

And the sacrifice of our own ease, interest, or life itself, for the advantage of another, with whom we are connected by strong and peculiar ties, may not only be justifiable, but highly honourable and meritorious. Let it be remembered, however, that the privileges of friendship are subordinate to the rights of society; and that no attachment, merely personal, can warrant the violation of justice, fidelity, or truth.

The ideas which have been entertained of VALOUR, and the LOVE of our COUNTRY, are still more licentious than those above recited concerning FRIENDSHIP. It should seem, that the understanding is dazzled by the splendour which usually accompanies these virtues; and that they are estimated by the rarity of their occurrence, or by the elevated station of their possessors, rather than by the standard of intrinsic merit or public utility. Justice and probity are slightly regarded, as the *ordinary* duties of social life, equally incumbent on all ranks of men: and he who practises them, appears to have no claim to more than common approbation. But great exertions of courage or patriotism, as they exceed the demands, so they proportionably excite the admiration of our fellow-citizens. This admiration kindles in the mind an enthusiasm which often suspends, and sometimes suppresses, the calmer principles of humanity, equity, and truth; and the hero or patriot is indulged in all the privileges which he assumes; nothing being judged criminal that promotes the personal glory of the one, or the ambitious views of the other. The history of all ages confirms the truth of these observations: but they are more particularly applicable to the records of antiquity; which, for the most part, celebrate the deeds of warriors and statesmen with unqualified applause, and without the least discrimination of right and wrong.

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## V. DUPLICITY OF CHARLES I.\*

CONSULT Clarendon, vol. i. p. 22; Rushworth, vol. i. from p. 119 to 127; Hume's Hist. 4to. vol. i. p. 103, ed. 1754. "He had promised to the last House of Commons a redress of this religious grievance; but he was too apt, in imitation of his father, to

\* See page 54.

“ consider these promises as temporary expedients, which, after the  
 “ dissolution of the parliament, he was not any further to regard.”  
 Id. p. 156. See also the Life of the Lord-Keeper Williams, p. 143;  
 Whitlock, p. 10; the Petition of Rights; Harris’s History; Sidney’s  
 State Papers, vol. ii. p. 665, &c. Rapin says, “ Charles made fre-  
 “ quent use of mental reservations, concealed in ambiguous terms,  
 “ and general expressions, of which he reserved the explication to a  
 “ proper time and place. For this reason the parliament could  
 “ never confide in his promises, wherein there was always either  
 “ some ambiguous term, or some restriction that rendered them use-  
 “ less. This may be said to be one of the principal causes of his  
 “ ruin; because giving thereby occasion of distrust, it was not possi-  
 “ ble to find any expedient for a peace with the parliament. He was  
 “ thought to act with so little sincerity in his engagements, that it  
 “ was believed there was no dependence on his word. The parlia-  
 “ ment could not even resolve to debate on the king’s propositions,  
 “ so convinced were they of his ability to hide his real intentions  
 “ under ambiguous expressions.” Rapin’s Hist. vol. ii. p. 570.  
 The following passage is taken from the works of an historian,  
 who is acknowledged to have been very partial to King Charles.  
 “ *Mulé posita est lex, que tumultuariè posita est*, was one of those  
 “ positions of Aristotle,” says he, “ which hath never since been  
 “ contradicted; and was an advantage, that being well managed,  
 “ and stoutly insisted upon, would in spite of all their machinations,  
 “ which were not yet firmly and solidly formed, have brought them  
 “ to a temper of being treated with. But I have some cause to  
 “ believe, that even this argument, which was unanswerable for the  
 “ rejecting that bill, was applied for the confirming it; and an opi-  
 “ nion that the violence and force used in procuring it rendered it  
 “ absolutely invalid and void, made the confirmation of it less con-  
 “ sidered, as not being of strength to make that act good, which  
 “ was in itself null. And I doubt this logic had an influence upon  
 “ other acts of less moment.”—Clarendon’s Hist. vol. ii. p. 30.  
 Rapin makes the following observation on this passage:—“ Let  
 “ the reader judge after this, if we may boast of King Charles’s  
 “ sincerity, since even in passing acts of parliament, which are the  
 “ most authentic and solemn promises a king of England can make,  
 “ he gave his assent, merely in an opinion that they were void in  
 “ themselves, and consequently he was not bound by this engage-



ment." I have inserted these references and quotations, not merely to authenticate the charge against King Charles, but to shew, from his unhappy fate, how delusive, dangerous, and infamous, is the following political observation of Machiavel:—"It has appeared by experience, that those princes who have made light of their word, and artfully deceived mankind, have all along done great things, and have at length got the better of such as proceeded upon honourable principles."

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## VI. DISPUTATION.\*

**P**OLEMIC skill is a dangerous qualification; and, if not governed by charity, wisdom, and integrity, may betray the possessor either into intemperate zeal, or absolute indifference for truth. Every object assumes an importance, in our estimation, proportioned in some degree to the labour and attention which we bestow upon it: and the same enthusiasm that dignifies a butterfly or a medal to the virtuoso and the antiquary, may convert controversy into quixotism; and present, to the deluded imagination of the theological knight-errant, a barber's bason, as Mambrino's helmet.\* The real value of any doctrine can only be determined by its influence on the conduct of man, with respect to himself, to his fellow-creatures, or to God: and it has been well observed, by a writer of distinguished abilities, that some kinds of error and superstition are so intimately connected with truth and virtue, as to render the separation of them impracticable, without doing violence to both. It is better, therefore, according to our SAVIOUR's excellent advice, to let a few tares grow up with the wheat, (if they be of such a nature, as to suffer the wheat to grow along with them,) than to endanger the destruction of the wheat by rooting up the tares.†

Bigotry may be associated with truth, as well as with error: and this temper of mind is always unfavourable to piety and philanthropy, whatever be the principles on which it is founded. Erasmus asserts, that most of the reformers with whom he was acquainted, became worse men in consequence of the revolution which they

\* See page 61.

† See Don Quixote. ‡ See Priestley on the Sacrament, p. 64.



accomplished. I know not whether this fact will be admitted on his authority: but certain it is, that the fury of zeal, and the acrimony of disputation, are neither consonant to the religion of nature, nor to the meek and peaceable spirit of the Gospel.

But polemic skill is sometimes employed in the defence of opinions, which are known or believed to be false: and by this practice, the understanding either becomes the dupe of its own impositions, or acquires that indifference to truth which constitutes incurable scepticism, and sometimes terminates in the most fatal depravity. For he who has learned to be regardless of right and wrong, in sentiment or in principle, can have no solicitude about the like distinctions in his dispositions or behaviour. Such moral apathy gives full scope to every irregular desire, and vicious propensity; and if it be associated with great intellectual endowments, a character may be formed, at once the glory and the disgrace of human nature. Sallust describes Cataline as *subdolus, varius, cujuslibet rei SIMULATOR ac DISSIMULATOR*. And I am inclined to believe, that the remarkable portrait of SERVIN, which the Duke of Sully has drawn, owes some of its most distinguishing features to the cause here alluded to:—"Let the reader represent to himself a man of a genius so lively, and an understanding so extensive, as rendered him scarcely ignorant of any thing that could be known; of so vast and ready a comprehension, that he immediately made himself master of whatever he attempted; and of so prodigious a memory, that he never forgot what he had once learned. He possessed all parts of philosophy and the mathematics; particularly fortification and drawing. *Even in theology he was so well skilled, that he was an excellent preacher, whenever he had a mind to exert that talent; and an able disputant for and against the reformed religion, indifferently.* He not only understood Greek, Hebrew, and all the languages which we call learned, but also all the different jargons, or modern dialects. He also accented and pronounced them so naturally, and so perfectly imitated the gestures and manners, both of the several nations of Europe, and the particular provinces of France, that he might have been taken for a native of all or any of these countries; and this quality he applied to counterfeit all sorts of persons, wherein he succeeded wonderfully. He was, moreover, the best comedian and greatest droll, that perhaps ever appeared. He had a genius for poetry, and had written many verses. He

“ played upon almost all instruments, was a perfect master of music,  
 “ and sung most agreeably and justly. *He likewise could say mass;*  
 “ *for he was of a disposition to do, as well as to know, all things.*  
 “ His body was perfectly well suited to his mind; he was light,  
 “ nimble, dextrous, and fit for all exercises: he could ride well;  
 “ and in dancing, wrestling, and leaping, he was admired. There  
 “ are not any recreative games that he did not know; and he was  
 “ skilled in almost all mechanic arts. But now for the reverse of  
 “ the medal: here it appeared, that he was treacherous, cruel,  
 “ cowardly, deceitful; a liar, a cheat, a drunkard, and a glutton;  
 “ a sharper in play, immersed in every species of vice, a blas-  
 “ phemer, an atheist. In a word, in him might be found all the  
 “ vices contrary to nature, honour, religion, and society; the truth  
 “ of which he himself evinced with his latest breath; for he died,  
 “ in the flower of his age, in a common brothel, perfectly cor-  
 “ rupted by his debaucheries, and expired, with a glass in his hand,  
 “ cursing and denying God.”\*

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## VII. INDISCRIMINATE PLEADINGS OF LAWYERS.†

THE Roman orators engaged in the defence of their clients or  
 dependents, in the courts of judicature, without fee or re-  
 ward: and, under such circumstances, it might be supposed, that  
 their pleadings would be regulated by the pure principles of justice  
 and rectitude. But the fact was often far otherwise, through the  
 influence of ambition, the pride of victory, the connections of party,  
 and the future expectation of gifts or legacies. Hortensius sup-  
 ported the cause of the infamous Verres: and Cicero seems to have  
 formed a design of undertaking that of Cataline, when he was  
 brought to trial on account of his cruel and scandalous oppressions  
 in Africa: for, in a letter to Atticus, he says: “ It is my present inten-  
 “ tion to defend Cataline. We have judges to our mind; yet such as  
 “ please the accuser himself. I hope, if he be acquitted, it will in-

\* See the Translation of Sully's Memoirs, vol. iii., p. 92.

† See page 64.

“cline him to serve me in our common petition.” Indeed, this celebrated orator does not scruple to declare, that it is the business of an advocate not so much to deliver what is *true* as what is useful to his client; the discovery of truth being the office of the judge, and not of the pleader! a sentiment which he justifies on the authority of Panætius the Stoic, (*De Officiis*, ii. 14.) In one of his orations he says, “That man is much mistaken, who conceives he has an authentic specimen of our opinions in these judicial pleadings: they are the speeches of the causes, and of the times, not of the men or the advocates.”—Pro. A. Cluentio. Quintilian, though he lays it down as a rule, that an orator should be a good man, (*oratorem esse virum bonum, dicendi peritum*,) allows, notwithstanding, very considerable latitude to the art of pleading, as will appear from the close of the first chapter of his twelfth book. Modern lawyers have carried the license of the bar to its utmost extent: and a judge, in his charge to the jury, at the assizes for the county and city of Worcester, declared it to be “the duty of every counsel, upon all occasions, and without reserve, to take the brief which should be first offered him.”—See Notes to Justification, a poem. It is probably on this ground a celebrated historian has asserted, that the gentlemen of the long robe “govern their consciences by rules peculiar to themselves, and entirely opposite to the ideas which prevail with honest men of other professions.”—Macaulay’s Hist. of England. It should seem, that the father of Sir Matthew Hale entertained the like sentiments: for Bishop Burnet relates, that he quitted the bar, because he disapproved of the common mode of *giving colour in pleadings*, which he thought a culpable deviation from truth. It is recorded also, of Sir Matthew Hale himself, that whenever he was convinced of the injustice of any cause he would engage no farther in it than to explain to his client the grounds of that conviction. His biographer says, that he abhorred the practice of misreciting evidences, quoting precedents or books falsely or unfairly, so as to deceive ignorant juries, or inattentive judges; and that he adhered to the same scrupulous sincerity in his pleadings, which he observed in the other transactions of his life. For he used to say, “it was as great a dishonour as a man was capable of, that for a little money he was to be hired to say or do otherwise than he thought.”\*

\* See British Biography, vol. v. p. 383.

According to the laws which now subsist, no counsellor can maintain an action for his fees, or so much as demand them, without doing wrong to his reputation.\* He is liable also to a year's imprisonment, and to be condemned to perpetual silence in the courts, if detected in the practice of deceit or collusion.†

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## ON

## HABIT AND ASSOCIATION.

## SUPPLEMENTARY REMARKS AND ILLUSTRATIONS.

## I. REV. SIMON BROWNE.\*

THE conjectures, concerning the cause of Mr. Browne's very extraordinary insanity, having been read, in the former edition of this work, by one acquainted with the real circumstances of the case, I have been favoured with the communication of the following interesting particulars:—"Mr. Browne and another minister were walking together, near Hampstead, in a part of the road infested by a notorious footpad. His companion said, suppose the footpad should attack us, what shall we do? It will be a shame, replied Mr. Browne, for two persons, so stout as we are, to be robbed by one man. Soon afterwards, the footpad appeared; and, whilst the other minister amused him with the delivery of his money,

† See Blackstone's Commentaries, book iii. chap. 3.

‡ Statute Westm. I. 3 Edw. I. ch. 28. Blackstone's Commentaries, b. iii. ch. 3.

\* See page 78.



“ Mr. Browne got behind him, took him in his arms, threw him  
 “ down, and held him fast, but did not strike him. The companion  
 “ ran for assistance, and soon returned. Mr. Brown rose up; but  
 “ on detaching himself from the robber, found that he had pressed  
 “ him to death. The shock of this event, with his previous agita-  
 “ tion of mind, affected his brain so forcibly, that he thought God  
 “ had taken away his soul from him; and that he did it, judicially,  
 “ for his neglect of the divine rule of our SAVIOUR, *If any man*  
 “ *take thy cloak, let him have thy coat also.*”

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## II. INFLUENCE OF SCENERY ON ASSOCIATION.\*

IN the life of the Hon. Ro'ert Boyle, drawn up by himself, we are informed, that “curiosity led him to those wild mountains, where the first and chiefest of the Carthusian abbies does stand seated; where the devil, taking advantage of that deep raving melancholy, so sad a place, his humour, and the strange stories and pictures he found there of *Bruno*, the father of that order, suggested such strange and hideous thoughts, and such distracting doubts of some of the fundamentals of Christianity; that, though his looks did little betray his thoughts, nothing but the forbiddennes of self-dispatch hindered his acting it. But after a tedious languishment of many months, in this tedious perplexity, at last it pleased God, one day he had received the sacrament, to restore unto him the withdrawn sense of his favour.”—BOYLE'S Works, 4to. vol. i. p. 23.

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## III. LUDICROUS ASSOCIATIONS.†

THE author of the Critique on the former edition of this work, in the English Review for September 1784, has related the following curious fact:—“Some years ago, a respectable clergyman, an inhabitant of London, took country lodgings at a

\* See page 89.

† See page 92.



“small distance from the capital. While at these lodgings, he  
 “usually rose early, walked into the fields, and drank warm milk.  
 “In one of his morning walks, it struck him that he would try if  
 “he could milk a cow; he immediately squatted down, in imitation  
 “of the dairy-maids, and began to exercise his fingers after their  
 “manner. In the midst of his operations, two of the damsels  
 “arrive in the field, and perceiving a grave clergyman in so ludi-  
 “crous a posture, burst into an immoderate fit of laughter, accom-  
 “panied with some jocular reproaches. Struck with the ridicule of  
 “his situation, the clergyman hurried to his lodgings in the utmost  
 “confusion; and so strong is the impression, which this inconsider-  
 “able incident has made upon his mind, that ever since he fancies  
 “these women, or some of their companions, are constantly follow-  
 “ing him wherever he goes, singing ballads relative to the event  
 “which has so much affected him, and exposing him, in a variety  
 “of ways, to the laughter of his neighbours. In every other re-  
 “spect he possesses the most perfect clearness and solidity of under-  
 “standing, discharges the duties of his office as formerly; and, as  
 “he is a man of wit and learning, is considered by his acquaint-  
 “ance as a valuable and an agreeable companion.” The author  
 of this article has added, that M. Paschal believed a gulph was be-  
 fore him, and a screen placed to guard him from the view of it.

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#### IV. SECT OF QUAKERS.\*

THE genius and manners of the French seem peculiarly unfavourable to the principles and habits of the sect called Quakers. Yet this respectable community has lately planted a colony, and obtained a civil establishment, amongst our gay and volatile neighbours. During the assembly of the NOTABLES, a memorial was presented to the Comte de Vergennes, by one of the heads of their society, stating that, “In the northern provinces of France,  
 “there are many hundred dutiful subjects, who, though they are  
 “neither Roman Catholics nor Protestants, yet worship God in

\* See page 101.

“ the same temples with Jesus and his Apostles, viz. in the inward  
 “ of our souls; and pursue, in reverent silence, the doctrine of  
 “ CHRIST only, without any mixture of human innovation.” The  
 Protestants, it is said, opposed the petition of the Quakers for the  
 free exercise of their religion; and strongly solicited, that they alone  
 might be included in the plan of toleration. But justice and sound  
 policy prevailed in the king’s council; and the Quakers obtained  
 liberty of conscience, not only for themselves, but, agreeably to their  
 prayer, for every sect, which maintains peace and good order.  
 Decent places of burial are assigned to them; they are confirmed  
 in all their rights of possession and inheritance; and the edict of the  
 king provides, that whenever a child is born, belonging to one who  
 does not believe in the necessity of baptism, it shall only be required  
 of the father or mother to notify such birth to the magistrate.

ON

## INCONSISTENCY OF EXPECTATION.

### I. COMPLAINTS OF LITERARY MEN.\*

MR. GRAY, in one of his letters to Mr. Mason, thus expresses  
 himself:—“ A life spent out of the world has its hours of  
 “ despondence, its inconveniences, its sufferings, as numerous and  
 “ as real, though not quite of the same sort, as a life spent in the  
 “ midst of it. . . . As to myself, I cannot boast, at present, either of  
 “ my spirits, my situation, my employments, or fertility. The days  
 “ and the nights pass, and I am never the nearer to any thing, but  
 “ that one to which we are all tending; yet I love people that leave

\* See page 117.

"some traces of their journey behind them, and have strength  
 "enough to advise you to do so while you can."—Letter x. iii.  
 vol. iv. p. 25. To Dr. Wharton, Mr. Gray writes in the following  
 terms:—"You flatter me, in thinking that any thing I can do,\*  
 "could at all alleviate the just concern your loss has given you;  
 "but I cannot flatter myself so far, and know how little qualified I  
 "am, at present, to give any satisfaction to myself on this head,  
 "and in this way; much less to you. I by no means pretend to  
 "inspiration; but yet I affirm, that the faculty in question is by no  
 "means voluntary; it is the result (I suppose) of a certain dispo-  
 "sition of mind, which does not depend on one's self, and which  
 "I have not felt this long time. You, that are a witness how sel-  
 "dom this spirit has moved me in my life, may easily give credit  
 "to what I say."—Letter xxxii. vol. iv. p. 45.

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## II. LOVE OF SCIENCE, THE RULING PASSION.†

**I**N the Biographical Dictionary, vol. xii. under the article EULER,  
 it is recorded of BOERHAAVE, that when lying on his death-  
 bed, he anxiously counted his pulse, to ascertain whether he could  
 live to see a publication, which he expected from the press.

M. EULER, in 1735, solved, in three days, a very extraordinary  
 problem. But the violent and unremitting efforts which it cost,  
 occasioned a fever, which endangered his life, and deprived him of  
 the use of his right eye. Annual Register, 1785, p. 10.

\* Dr. Wharton had requested Mr. Gray to write an epitaph on his son.

† See page 122.

ON THE ALLIANCE OF  
NATURAL HISTORY WITH POETRY.

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I. YELLOW VISION IN JAUNDICE.\*

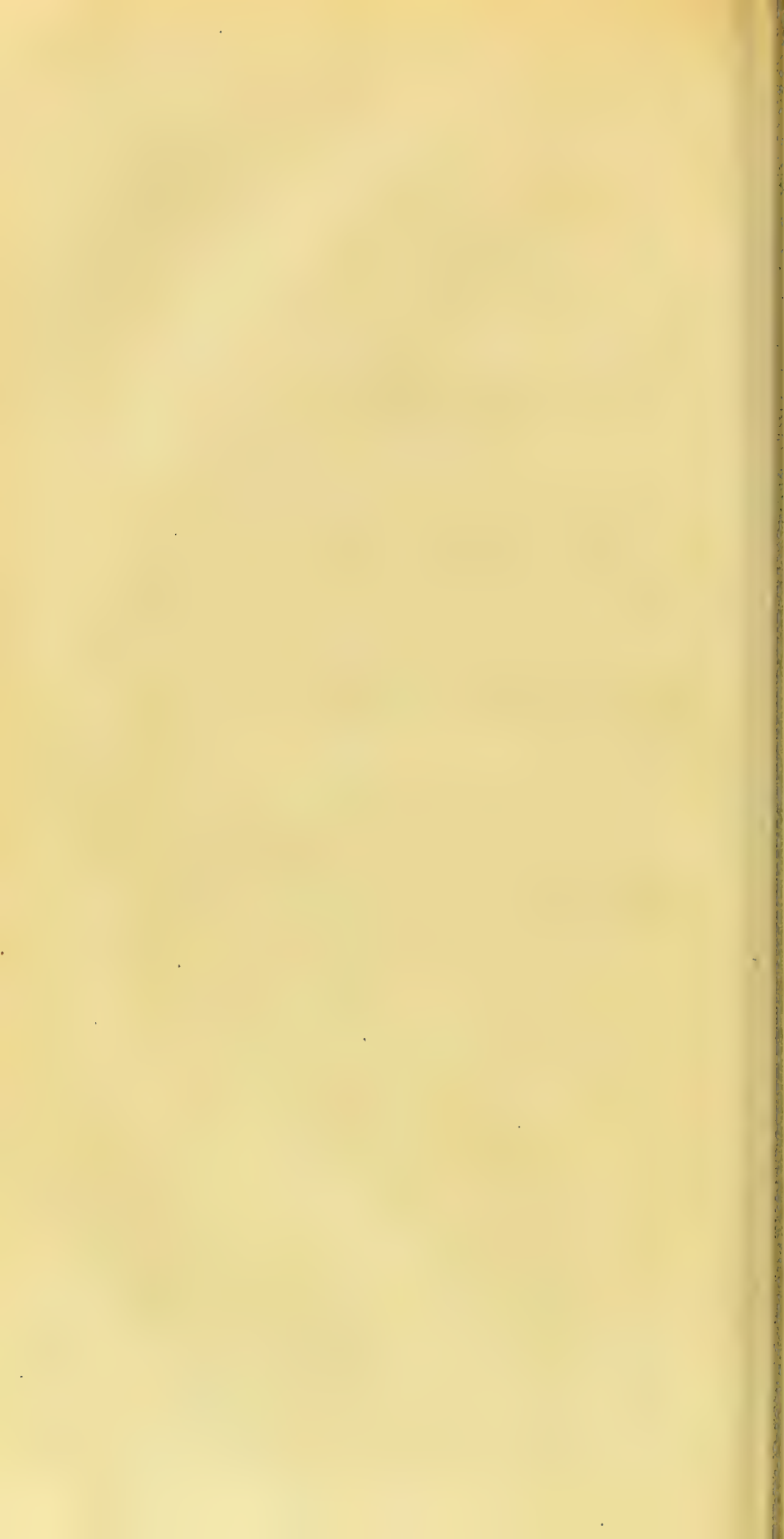
THIS observation I regarded as a vulgar error, and have endeavoured to shew, in the Dissertation now referred to, that it is neither confirmed by experience, nor consonant to reason; but two instances have lately occurred in the circle of my practice, which clearly evince that the opinion has sometimes a foundation in fact, and that conclusions drawn, even from a very general induction, may be fallacious: for my observations were made with attention, during a course of near twenty years. The patients now alluded to, were men of middle age, who had lived intemperately, whose malady had proved obstinate, but whose eyes were not tinged with bile, in an extreme degree: yet they were uniform in their testimony, that all white objects assumed a yellow cast; and that this hue was deepest on their rising from bed in a morning.

\* See page 145.

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AN  
INQUIRY  
INTO THE  
PRINCIPLES and LIMITS of TAXATION,  
AS A BRANCH OF  
MORAL AND POLITICAL PHILOSOPHY.





# AN INQUIRY

INTO THE

*Principles and Limits of Taxation.\**

**M**AN has a natural right to life, liberty, and property. Life is the gift of God, and held under his disposal and authority: Liberty is essential to the perfection of a rational, a moral, and an accountable agent: and Property results from the exertion of those powers and faculties, which the Deity has bestowed, which duty calls forth into action, and which are necessary to well-being, and even to self-preservation. These several rights involve the lawfulness of their support, and the guilt of their invasion. An attack upon his life or liberty will justify a man, in the defence of them, even to the deprivation of the life or liberty of his enemy; and the invasion of his property

\* This little tract was written for discussion in the Literary and Philosophical Society, at a period when taxation was a subject peculiarly interesting to the inhabitants of Manchester, on account of a recent duty on the cotton-manufactory; which was afterwards repealed, through the candour and wisdom of Parliament. It was proposed for insertion in a former volume of the Society's Memoirs, but was then withdrawn by the author, and has since been revised and enlarged. An Appendix is added, at the end of the Inquiry, containing supplementary notes and illustrations.

will warrant his reprisals on the property of the invader. But the ability of an individual would frequently be inadequate to the defence or protection of his rights; nor could he judge, with impartiality, concerning the punishment due to the violation of them. In a state of society, therefore, individuals give up to the civil magistrate, as their representative, the right of protection and punishment. This right becomes a public one, and is to be defended by the collective power and united expence of the community. From these principles flow the duty of allegiance, the authority of laws, and the claims of revenue. To resist the attack of foreign enemies, fleets and armies must be provided; to support domestic peace, to administer distributive justice, and to regulate the police of cities and districts, civil officers of various ranks and denominations are to be maintained and remunerated; and considerable funds will be required for the encouragement of science, the advancement of arts, and the extension of commerce. Thus multiplied and complicated are the just and necessary charges of government.

The *moral obligation* to pay taxes results from the ALLEGIANCE due to the sovereign power, for the PROTECTION which it affords to life, liberty, and property; and for the energy which it exerts in the promotion of order, industry, virtue, and happiness.

This obligation is common to the subjects of every government; but under the happy constitution of Great-Britain, where subsidies are never claimed by

the supreme magistrate without the consent of parliament, we become bound, by a VOLUNTARY COMPACT, made by our delegates, to contribute to the public exigencies, in such proportions, and according to such modes, as they have deliberately enacted.

And, by the refusal to grant such contributions, or by the evasion of them, we not only injure the public weal, but, indirectly, INVADE the PROPERTY of our FELLOW-CITIZENS, who must bear the burden of additional imposts, in consequence of our contumacious exemption.

The validity of these several obligations is equally clear and forcible. And as man is destined, by his intellectual powers and moral propensities, no less than by his wants and weaknesses, for a state of society, the obligations are not merely voluntary, or of *positive* institution; but so far as they are essential to that social state, originate in the law of nature, which can be deemed no other than the will of GOD. Yet, though government, in this sense, is of divine authority, it is so constituted by its adaption to the interests and felicity of its subjects. The rights of the people, therefore, are not only antecedent to, but included in, those of the magistrate; and consequently there can never subsist a legitimate competition between them. Yet the history of the world is one continued series of such competitions; and experience hath fully evinced, that they have generally sprung from the arrogance, the ambition, and the despotism of rulers. To vindicate the sacred and unalienable

rights of the people, is, in reality, to subserve the true ends of government. A good citizen, under every legal, equitable, and well-administered polity, with duty and gratitude, will *render unto Cæsar, the things that are Cæsar's*. But the decision, concerning the *things that are Cæsar's*, rests not on the unstable foundation of arbitrary will; and the appeal may with confidence be made to the principles of reason, of justice, and of patriotism. On these principles, I shall endeavour to explain the limits of the several *moral obligations*, laid down in the three foregoing propositions. (A.)\*

I. ALLEGIANCE is due for the PROTECTION of the sovereign power. But protection may be paid for at too high a rate: for, in every convention, a just proportion should be preserved, between the price and the value of the commodity. “If, to purchase  
“a sword for my defence against a thief, I must empty  
“my purse, interest will lead me rather to make a  
“composition with the plunderer; or prudence will  
“dictate some other less chargeable means of security.”† Lord Herbert of Cherbury relates, in his travels through Savoy, that “though the Duke had  
“put extreme taxations on his people, insomuch that  
“they paid him not only a certain sum for every horse,  
“cow, ox, or sheep that they kept; but afterwards  
“for every chimney; and, finally, every person by the

\* The capitals refer to the notes in the Appendix, which is placed at the end of the Essay.

† Abbé Raynal.



“pole, which amounted to a piffole or fourteen  
“shillings a head or person, yet he wanted money;  
“at which I did not fo much wonder, as at the pa-  
“tience of his fubjects.”† After the cruel expulfion  
of the Moors from Spain, by which that kingdom  
was deprived of more than half a million of induftrious  
inhabitants, new contributions were impofed on the  
poor and indolent natives, to fupply the unavoidable,  
though unexpected deficiency of the royal revenue,  
refulting from that impolitic meafure. This fertile  
country has indeed been defolated by the oppreffive  
laws and rapacious exactions of its government. The  
number of the people has been reduced, within the  
fpace of a few centuries, from twenty to feven mil-  
lions; and the produce of corn, formerly furnifhing  
not only a full fupply for internal confumption, but  
alfo a large exportation to other parts of Europe, is  
now infufficient for its own diminished population.  
Every manufacture, and even neceffary of life, is  
charged with an impoft of fourteen *per cent.* on the  
firft, which is repeated on each fubfequent, fale.\*  
Philip II. attempted to lay the fame burthenfome duty  
on his fubjects in the Netherlands; and the attempt,  
it is well known, was one principal caufe of the glo-  
rious revolution, which freed the United Provinces  
from his tyranny.

Protection may be very unduly or unequally dif-  
pensed; and the ordinary benefits of the focial union  
not participated, in any reasonable degree, by the

Life of Lord Herbert.

\* Lord Kaimes.

bulk of the community, Great lords may be suffered to tyrannize over their tenants or vassals, whilst the country is, at the same time, made a prison to its inhabitants, by the severest prohibitions of emigration. At the beginning of the sixteenth century, there subsisted in Russia no other slaves except prisoners of war. A new arrangement took place after the conquest of Casan and Astracan. These beautiful and fertile provinces so powerfully attracted the peasantry, that a rigorous law ensued, in 1556, which confined them all to their own glebe: and they were thus at once divested of property and personal liberty.\* Similar revolutions have occurred in the other northern states; and the consequences have been penury, wretchedness, and a degradation of the human species. In France, the tax called the *Taille* used to be levied on men, who, being without any other property than their necessary utensils, and subsisting solely on their daily wages, could not be compelled to payment, even by violence itself. Every collector, who was constrained to undertake the levy of the tax, had authority to call upon the four persons in the district, whose proportion of the *Taille* was the greatest, to fill up all deficiencies; and they were thus forced, by the sale of their effects, or by imprisonment, to expiate the negligence of the collector, or the poverty of their neighbours; notwithstanding they had themselves discharged their own share of the impost.†

\* Abbé Raynal.

† Life of Turgot, by the Marquis de Condorcet.

In such cases, and in others which might be specified, the principles are subverted, on which the claim to allegiance is founded: and taxes may then be enforced by penalties, but will no longer be paid from any just sense of moral or political duty.

Subsidies may be perverted from their original designation, and applied to the purposes of ambition, oppression, or the establishment of despotic power. This occurred in the reign of James II. and occasioned his expulsion from the kingdom. And in that of Charles I. when ship-money was levied under the delusive and dangerous plea of state-necessity, though England then enjoyed a profound peace with all her neighbours, we venerate the intrepid patriotism of Hampden, for the noble stand he individually made against its exaction. Yet the exaction had been laid with great equality; had been so generally submitted to by the people, as to produce, in 1636, more than two hundred thousand pounds; and had been solemnly authorised by the twelve judges; who, by their servile decision, to use the words of Lord Clarendon, "left no man any thing he might call his own."

II. But it may be alleged, that the opposition of Hampden was chiefly grounded on the *illegality of* ship-money, as subjecting the people to the arbitrary will of the prince; and that A TAX GRANTED BY PARLIAMENT is a solemn and VOLUNTARY COMPACT between the PEOPLE and their SOVEREIGN, binding the former in all cases whatsoever. This

position implies the lower house of parliament to have been legally and constitutionally chosen, and not like the packed assemblies in the reigns of Richard II. and James II. In the former, the sheriffs were commanded to suffer none to be returned as knights or burgesſes, but ſuch as the king's council ſhould nominate:\* and in the latter, the illicit practices employed in election produced complaints from every part of England. Yet ſo ſucceſſful were the arts of the court, that James exulted in there being only forty members, who were not entirely devoted to his intereſt.† Admitting, however, the regular election of our representatives, a little conſideration will evince, that the truſt which is delegated can never be unconditional; and that the powers veſted in them may loſe the force of moral obligation, by palpable abuſe and unrelenting perverſion. Fear, ſelf-intereſt, ignorance, or corruption may predominate in their deliberations, and prevail with them to ſacrifice the deareſt intereſts of thoſe by whom they are commiſſioned. In the reign of Henry VIII. the parliament reſigned both their civil and eccleſiaſtical liberties to the king, and by one act totally ſubverted the Engliſh Conſtitution: for they gave to the king's proclamations the full force of a legal ſtatute; and even framed the law, as if it were merely declarative, and intended only to explain the true extent of the regal prerogative.‡ When the ſame arbitrary mo-

\* Parliamentary Hiſtory.

† Burnet.

‡ Hume, vol. iv. p. 210.



narch heard that the commons made a difficulty of granting a certain supply, which he required, he was so provoked, as to send for Edward Montague, a member who had considerable influence in the house; and laying his hand on the head of that gentleman, then on his knees before him, imperiously said, *get my bill passed by to-morrow, or to-morrow this head of yours shall be off.* His despotism too well succeeded; for, the next day, the bill was passed.† Under the government of Edward VI. a grievous and partial tax was imposed on the whole stock and moneyed interest in the kingdom, with an *entire exemption of the land.* One shilling in the pound was to be levied yearly on every person who possessed ten pounds or upwards; a sum equal to half the yearly income of all money-holders, according to the rate of legal interest.‡

In the year 1660, a perpetual excise on ale, beer, &c. was enacted, by parliament, as a *commutation* with Charles II. for the abolition of the court of wards and liveries. This court was an intolerable oppression on the nobility and gentry; as the king exercised by it the wardship of all infant heirs; and enjoyed the benefit of their estates, till they had attained a legal majority. He had, also, the absolute disposal both of male and female heirs in marriage; with other powers liable to great abuse. But it is evident, that these feudal services affected solely the

† See Collins's British Peerage. Hume, vol. iv. p. 51.

‡ Hume, vol. iv. p. 246.



proprietors of land; whereas the excise must fall chiefly on the lower tenantry and labouring poor; and that, therefore, the alleged commutation was, in a considerable degree, founded in fraud and injustice. In this light it appeared to some of the members of the house of commons: Mr. Annesley, in particular, urged, “that if the bill was carried, (which it was “ afterwards by a majority of two voices only,) every “ man who earns his bread by the sweat of his brow “ must pay excise, to excuse the court of wards; “ which would be a greater grievance upon all, than “ the court of wards was to a few.”\*

There is on record a solemn resolution, which passed in a committee of the house of commons, April 6, 1780, when no less than four hundred and forty-eight members were present, that the influence of the crown *hath increased, is increasing, and ought to be diminished.* (B.) And in the statute of a subsequent session of parliament, for regulating the king’s household, it is enacted, that an oath be taken by the keeper of his majesty’s privy purse, that no part of it shall be applied to the use of any member of the House of Commons. We are further warranted in our apprehensions of the danger arising from this source, by the authority of the Baron de Montesquieu, who predicts that the liberties of England will perish, whenever the legislative power shall have become more corrupt than the executive: or, as it should, perhaps,

\* See Harris’s Life of Charles II. vol. i. p. 396. Parliamentary History, vol. xxiii. p. 21.

have been expressed, whenever the executive power shall have acquired a corrupt ascendancy over the legislative. In the reign of Charles II. if the dispatches of Barillon may be credited, the king of France meditated the establishment of a pecuniary influence in the English parliament. It is also well known that Charles was himself a pensioner to this monarch, and received large sums of money for the most illicit purposes. When the crown egregiously abuses its power, the commons, on various occasions, have thought themselves justifiable in withholding the supplies. If they, however, unhappily countenance and aid such abuses, and remain deaf to petitions, remonstrances, and every other constitutional claim, the people may continue to submit, but cannot deem themselves *morally* bound by their acts: and Britons would then lose the glory, which Plato ascribed to the citizens of Athens, of being at once the masters and slaves of the laws.

The division of the sovereignty of these realms into three estates, which, acting in concert, we denominate parliament, by reciprocal checks, and reciprocal aids, gives our civil polity advantages enjoyed by no other in Europe. Yet it was an apophthegm of the great Lord Treasurer Burleigh, that England could never be ruined but by a parliament.\* And the doctrine of its omnipotence, which succeeded that of the divine and indefeasible right of our kings, has contributed to the loss of America, as well as to the

\* Blackstone.

separation of Ireland; and may, hereafter, prove subversive of our liberties. For with the specious observance of every form of our Constitution, the essence of it may be annihilated; as occurred at Rome, under the despotism of Augustus; for the senate retained themselves the image of freedom, whilst they gave a full sanction to his usurpation. Indeed, corporate bodies, when they affect unlimited power, are capable of proceeding to greater lengths than any individual.

Supreme authority is perfectly distinct from arbitrary or absolute power. The one is founded on certain fundamental principles, and limited by certain constitutional restrictions; whilst the other is unconditional, and without all rational controul. A just government is obliged to the most scrupulous attention to the original ends of its institution. Nor can even wise and legitimate *ends* be pursued by *means* inconsistent with equity, because no policy can ever supersede the laws of morality: and this rather dignifies, than derogates from, sovereign dominion. For the Deity himself is bounded, in the exercise of power, not only by physical impossibilities, but by the rectitude of his divine nature.

Compulsion has been said to be the essence of government.\* But I apprehend, *compulsion* is here mistaken for *a power to compel*; otherwise, there can be no distinction between government and tyranny. The former is instituted for the public weal, and, when so administered as to promote its salutary ends,

\* Soame Jenyns.

will have the confidence, the respect, and the *voluntary* obedience of a great majority of its members. Whereas the latter, according to a recent definition of eastern despotism, regards “the sovereign as possessed of *all*, and the people of *no* rights.” It exacts what a wise man cannot freely give, and commands what a good man ought not to perform. “The state of every king,” says the preamble to one of our acts of parliament, “consists more assuredly in the love of the subjects towards their prince, than in the dread of laws made with rigorous pains.”\* But the love of the subject can alone be secured by a full conviction that the supreme magistracy is cordially interested in his prosperity and happiness. And this is best evinced by a reluctance to impose unnecessary burthens; by equity and impartiality in the assessment and collection of them; and by a readiness to participate in the sacrifice of private interest to public good. The Roman emperor, Marcus Aurelius, sold the furniture of the imperial palace, together with his own vestments, and those of the empress, rather than levy a new tax on the people!†

III. In support of the moral obligation to pay taxes, it is justly urged, that by our refusal to grant such contributions, we not only injure the commonwealth, but cast upon others that debt, which we

\* See Blackstone's Commentaries, vol. iv. p. 17.

† Aul. Gell.



ought to discharge ourselves. A venerable philosopher has, in a very apposite manner, illustrated this argument by the following analogy. “What should  
 “we think of a companion, who having supped with  
 “his friends at a tavern, and partaken equally of the  
 “joys of the evening with the rest of us, would  
 “nevertheless contrive, by some artifice, to shift his  
 “share of the reckoning upon others, to go scot free?  
 “If a man, who practised this, would, when detected,  
 “be deemed and called a scoundrel; what ought he  
 “to be called, who can enjoy all the inestimable  
 “benefits of public society, and yet contrive to evade  
 “paying his just share of the expence, and wrongfully  
 “throw it upon his honest, and perhaps poorer,  
 “neighbours?”\* But suppose the share to be unjust, or partially demanded; is the imposition to be submitted to without complaint or remonstrance? The plea of equity, which authorizes one to withhold a public subsidy, if well-founded, must be clearly discernible by the understanding of his neighbour, and ought alike to direct his conduct. Should he, therefore, through the want of patriotism, or the fear of penalty, acquiesce in oppression, he deservedly incurs both the blame and the suffering. Mr. Hampden withstood the assessment of ship-money, in opposition to the unanimous opinion of the twelve judges; and, in vindication of the unalienable rights of his fellow-subjects, exposed himself, for the trifling sum of

\* Franklin's Political and Miscellaneous Pieces, p. 69.



twenty shillings, to the indignation and rigorous persecution of the Court.

I am sensible that pride, resentment, faction, and self-interest set themselves in opposition to the state; and that men so actuated may falsely assume the motives and principles of the conscientious and the good. Penalties, therefore, are wisely annexed to the infringement of the laws of revenue: and authority is properly exerted, in the ordinary course of government, to awe the refractory into submission. But it must still rest with the people, ultimately, to decide concerning the moral force of that obligation to pay any particular tax, which is antecedent to the penalty incurred by disobedience; because such decision can be referred to no other tribunal, without the most egregious solecism. And where can the case be shewn, in which the judgment and determination of the many hath not received its commencement in the judgment and determination of the few, and even of an individual? The right, therefore, must be admitted to subsist in both; though the exercise of it can only be justified on extraordinary occasions. (c.) Nor can danger be apprehended to a well-governed society from this doctrine. For oppression must be manifest and heavy, before it will be generally resisted; and partial offences, unsupported by public opinion, will be readily prevented by a vigilant police, or compensated by pecuniary mulcts. The refusal of Mr. Townsend, a very respectable magistrate in London, to pay his

assessinent to the land-tax, is within the memory of every gentleman present. He grounded this refusal on the arbitrary proceedings of the House of Commons, relative to the Middlesex election; and the consequent illegality of an imposition, levied on a county in which the people were not duly represented. His conduct, on this occasion, was influenced by no sordid motives, and proceeded solely from a patriotic zeal to secure the rights of election. Yet a jury of Middlesex men gave a verdict against him, without scruple or hesitation: and their decision was reasonable and proper, because the bonds of the state are not to be rashly loosened by every temporary error or misconduct of statesmen. Candid allowances will and ought to be made for the passions, prejudices, and imperfections incident to our governors, provided their general conduct evinces wisdom and rectitude. Indeed there is so much veneration for power, so great a fear of present suffering, and such habitual regard to the forms of civil jurisdiction in the bulk of the people, that maxims of passive obedience are not necessary to their subjection; whilst they are highly injurious to their rulers, of which the history of the Stuarts affords the fullest evidence; (p:) for the temptations to abuse power are, at all times, greater than those of opposition to it; and the abuse is attended with more permanent evils to society. An equitable and well-established legislature can, therefore, be under no necessity of inflicting heavy penalties on breaches of the laws of revenue;

and punishments of a different nature are seldom, if ever, to be justified. We read with horror, that in the empire of Japan, death is inflicted on the smuggler; and our sentiments of equity and humanity are almost equally shocked with the account given by M. Neckar, that more than three hundred men of the province of Bretagne alone are annually consigned to slavery in the galleys of France, for carrying on an illicit commerce in the two articles of salt and tobacco. The truth is, this political crime makes little impression on the moral feelings of the mind, till its nature, extent, and consequences have been examined and recognized by reason. And to such investigation the generality of men have neither leisure nor ability to apply themselves. Turpitude in human actions is marked either by the gross defect of good principles, or the prevalence of bad ones. Fraud, dishonesty, perfidy, and cruelty, necessarily involve in them a consciousness of guilt; and, therefore, indicate a mind devoid of rectitude, or overborne by the predominance of malignant passions. But the retention of what is the acknowledged property of the individual, before it is claimed by the state, though at all times culpable, and deserving of punishment in ordinary cases, when the nature of the obligation is not sufficiently understood, implies no high degree of criminality.\* And he who avails himself, without the scruples which he ought to feel, of the carelessness

\* On this subject consult Montesquieu, Beccaria, Blackstone, Lord Kaimes, Dr. Adam Smith, &c.

or mistake of a tax-gatherer, to evade the proportional payment exacted from his neighbours, would blush to take advantage of the tradesman who, by similar carelessness or mistake, hath omitted in his bill some part of the debt which is owing to him. But, when invasion threatens a country, or public calamity calls forth the exertions of every member of the state, the sentiments of the mind being reversed, breach of allegiance, under such circumstances, would be deemed almost equal to the crime of parricide. We may illustrate this observation by a case in military service, with respect to our feelings, somewhat parallel. No one, but the officer on guard, would punish the *sleeping sentinel* with severity, during the season of peace. But, on some critical and very important conjuncture in time of war, the same offence would merit death, in the estimation of the most humane spectator. To establish a scale of crimes, with exact precision, so as to assign to each its due degree of punishment, is beyond the extent of human ability; and can be accomplished only by the omniscient Searcher of hearts. But the penal laws of government should be founded on a like discrimination, so far as it is practicable, clear, and obvious; and, in all doubtful cases, should incline more to mildness than severity. For it is justly observed, in the preamble of the statute before referred to, “that laws made for the preservation of  
“the commonwealth without great penalties are  
“more often obeyed and kept, than laws made with  
“extreme punishments.”



I have thus endeavoured, with great brevity, to trace the origin, to explain the principles, and to determine the extent of a duty, which, though essential to the being of society, and of equal importance to the governors and governed in every community, has not hitherto, I believe, received a specific denomination in any language. Nothing tends more to the establishment of just authority, than the free and temperate investigation of the reasons on which it is founded. And, from what has been advanced, I presume, it may be inferred, that a *tax* can be of no *moral obligation*, when the claim to allegiance is absolutely forfeited; that it is of *imperfect* obligation from mere general allegiance; and that to give it *full* and *complete* validity, it should be A LEVY MADE ON THE COMMUNITY BY LAWFUL AUTHORITY; ACCORDING TO PRESCRIBED FORMS; IN AN EQUITABLE MODE AND PROPORTION; AND FOR THE PUBLIC WEAL.

In Britain, the LAWFUL AUTHORITY, competent to impose a subsidy, can only be that of the King, Lords, and Commons, in Parliament assembled. The King is representative of the majesty of the people; from them he derives his dignity; to their deputies, his ministers and counsellors are amenable; and his prerogatives\* consist only in a discretionary power of doing good. And if the regal office be a delegation, the peerage, which flows from it, must participate of its nature. The three estates, therefore, though in

\* Locke; Blackstone.



different modes of trust, severally and collectively, act in behalf of, and are virtually responsible to, the community, who possess, and frequently exercise, towards each of them, the right of petition and remonstrance. But much circumspection is required in applying practically the ideas of REPRESENTATION to the regal and aristocratical branches of our Constitution. These indeed are delegates, but in a qualified sense, and should be resorted to only, in this view, on pressing emergencies. For the Commons are the deputed guardians of the people's rights; commissioned by them to act according to, and to express, their united suffrage; and renewing their trust and accountableness on every successive election. It is derogatory, therefore, of their importance and dignity, and must tend to diminish their due weight in the scale of government, to transfer the peculiar functions with which they are invested to the Peers, or to the Throne. (E.)

Of the FORMS prescribed in passing a money bill, the most essential to its moral validity, because most interesting to the liberty of the subject, is, that it should originate solely in the House of Commons. For the Lords, being a permanent hereditary body, created at pleasure by the King, are supposed to be more liable to be influenced by the crown; and when once influenced, to continue so; than the Commons, who are freely elected, and only for a limited time, by the people.\* This privilege forms the great con-

\* Blackstone.

stitutional check on the executive branch of administration, and every good citizen should watch over it with unremitting and jealous attention; extending his diligent and patriotic observation even to turnpikes, parish-rates, and imposts collected, not for the exigencies of government alone, but for private and local benefit.

TO APPORTION the taxes, with all possible IMPARTIALITY, is essential to their having the full force of moral obligation. Yet this is the most arduous office of the financier; and, when a kingdom is under the pressure of accumulated debts, can perhaps be accomplished only by such a modification of the whole system of revenue, as shall compensate the unavoidable excesses in some cases by equitable exemptions in others. Imposts on articles of provision have often been so improvidently laid, as to occasion great distress amongst the poor: and, as they are the chief consumers, because the most numerous order of the state, the disproportion attending such exactions is an injustice equal to the cruelty of the exactions themselves. "Previous to all the laws of society, man had a right  
"to subsist: and is he to lose that right by the  
"establishment of laws? To sell the produce of the  
"earth to the people at an exorbitant price is, in reality, to deprive them of it. To wrest from them  
"by a tax, the natural means of preserving life, is to  
"affect the very principle of their existence."\* But I would not be understood to object to the imposition of

\* Abbé Raynal.

moderate duties on the necessaries of life. When judiciously planned, and gradually laid on articles which are cheap and plentiful, they promote industry, ingenuity, and sobriety; and are paid cheerfully, because imperceptibly, as they are confounded with the value of the commodity itself. (F.) During the imposts of the Sforzas on the harvests and markets of the Piedmontese, the skill and enterprising spirit of that people were roused to the highest exertion; and their fabrics of silk and cotton were then worked with such elegance and expedition, by the invention of machinery, as precluded all competition. The gentlemen engaged in the manufactures of Manchester will find these observations perfectly consonant to their own experience; yet they are of dangerous tendency, and admissible only within certain restrictions. For both art and activity are not only bounded in their extent, but are precarious in their duration, and dependent on a variety of unforeseen contingencies. And, though the moderate pressure of wants, which may be gratified without much difficulty, stimulates to exertion; yet necessity creates despair, the parent of idleness, profligacy, and misery. Under such circumstances, the productive labourers of the state will be considerably diminished in number, and will be compelled to raise the price of industry to a height subversive both of trade and commerce. It must be remembered, also, that these working members are incident to the severity of seasons, as well as to the fluctuation and instability of those manual arts which depend on

fashion, local conveniencies, or foreign materials; and that they are often plunged into sufferings which call for public aid, and ought to supersede exaction. Besides, there is at all times, and in every place, a numerous class of poor, who, from a want of skill, of health, and of that energy which originates from the united powers of nature and education, are barely qualified to earn from day to day a scanty subsistence. Yet these are, equally with ourselves, the commoners of the earth, and have a just claim to some portion of the good things of life. May we not also add, that there must be *hewers of wood* and *drawers of water*; and, that to execute the meanest and most subordinate offices is essential to complete the aggregate of human industry and happiness. A wise polity, therefore, will not, by a rigid system of finance, promote the extinction of such men; but will treat them with proper indulgence, will encourage their marriages, and, by well-planned institutions, render their posterity virtuous, active, and useful citizens. The penury and depopulation of Spain have been proved, by Ustariz, to arise, not from emigrations to America and the West-Indies, but from the oppressive laws of revenue which prevail in that country. When Lord Molesworth resided in Denmark, the collectors of the poll-tax were obliged to accept of old feather-beds and other necessaries, instead of money, from the inhabitants of a town, which once raised 200,000 rix-dollars for Christian IV. on twenty-four hours' notice. In Holland, manufactures have long been in



a declining state. It has been calculated, that one third of every man's income is paid in subsidies. Bread, I am informed, is taxed at from twelve to fifteen *per cent.* and in towns much higher; malt liquor at fifteen *per cent.* and butchers' meat at twenty *per cent.* Nothing could counteract such heavy duties on the lower orders of the people, but the extreme frugality and persevering industry, which characterize the inhabitants of the United Provinces.

The EQUITY of an impost; and, consequently, its moral validity, is very materially affected by the MODE of ASSESSMENT. For the time expended, the vexation occasioned, and the indignity sustained by it, may be equivalent to a manifold, and therefore, disproportional payment. Hearth-money, which was granted to Charles II. his heirs and successors for ever, was abrogated in the year 1688, by an act of William and Mary; of which the following is the preamble, "That it is not only a great oppression upon the poorer sort, but a badge of slavery upon the whole people; exposing every man's house to be entered into, and searched at pleasure, by persons unknown to him."\* The excise, from its first institution to the present time, has been odious to the people of England. It extends to a very numerous detail of commodities, the list of which, says Sir William Blackstone, no friend to his country would wish to see farther increased. Yet it has been greatly increased since the time of this excellent

\* Lord Kaims's Sketches, vol. ii. p. 354.



judge, and, I believe, with additional vexations and severities. The officers concerned in this branch of revenue are authorized to enter and to search the houses of persons, who deal in exciseable articles, at all hours of the day, and, in many cases, of the night also. And the proceedings, under suspicion of transgression, are so summary and sudden, that, in a very short space of time, a man may be convicted in the penalty of many thousand pounds by two commissioners, or justices of the peace, or even by the same number of magistrates in the smallest corporate town, to the total exclusion of the trial by jury, and without regard to the common law of the land.\*

This mode of assessment might, perhaps, be rendered more consonant to the principles of British liberty, and to the ordinary proceedings of legal administration. There seems to be no sufficient reason for the exclusion of a jury, nor for deciding in a way so unusually sudden and summary. Appeals also should be admissible in all cases to the quarter-sessions, or to some public and respectable tribunal: and the persons prosecuted should be allowed counsel for their defence, together with full costs of suit, and even damages, if judgment be awarded in their favour. Nor does it seem equitable, provided no perjury has been practised, nor malignant intention manifested, that, when the plaintiff is nonsuited, the officer of revenue should recover treble costs. These alterations in the statutes of excise would not occasion any

\* See Blackstone; Burn's Justice of the Peace; &c.

delay of consequence to the revenue; and they might obviate abuses, which, by creating murmurs and discontent, diminish the veneration due to the laws. (G.)

In the Highlands of Scotland, it is said by Lord Kaimes, that the excise upon ale and spirits defrays not the salaries of the officers who levy it. The people, therefore, are burthened with a contribution, which adds to the expence of government, and withdraws from useful labour many industrious hands. This last consideration seldom enters into the estimate of the financier: yet the magnitude of it will be apparent from the late observations of M. Neckar, who computes that the tax-gatherers in France amount to two hundred and fifty thousand persons; thirty-five thousand of whom devote their whole time to the business. The enforcement of imposts by oaths may be supposed rather to increase, than to diminish, their moral validity: yet it is a practice that, on trivial occasions, seems to participate of impiety; and, on all occasions, is conducted with so much carelessness and irreverence, as tends to the most pernicious consequences. A million of perjuries are supposed, by a very able calculator, to be annually committed in this kingdom.\* (H.)

In the definition of a tax, which has the full force of a moral obligation, it has been laid down as its ultimate and most important constituent, that it is a levy made for the PUBLIC GOOD: and it is the special duty of the supreme power to keep this sacred

\* Price on the American Revolution, p. 82.

and in view, in the exaction of every subsidy. The confidence and veneration of the people would thus be secured; and a respectful submission would be paid even to the errors of government, as unavoidable consequences of human frailty; and as only temporary grievances, which better information would redress. In the application, also, of the national funds, the like rigid attention to wisdom and rectitude should be uniformly maintained. How often has it been urged to me, says M. Neckar, can you refuse to ask the king for a thousand crowns, to relieve such a person whose misfortunes are known to you? Will the royal exchequer be the poorer for it? Forget, I have replied, this royal exchequer, which you consider only as an accumulated mass of money, without having examined its source: a thousand crowns are the amount of the land-tax of two villages; and I leave you to judge whether the person for whom you solicit has a just claim to the labour and contributions of their inhabitants. It is a violation (observes the same honest financier, in another part of his work, with which I shall now conclude) — It is a violation of the most sacred of all deposits, to employ the sacrifices of a whole nation in inconsiderate prodigalities, useless expences, and undertakings foreign to the good of the state.

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AN  
APPENDIX  
TO  
THE INQUIRY  
CONCERNING THE  
PRINCIPLES OF TAXATION;  
CONSISTING OF  
SUPPLEMENTARY NOTES AND ILLUSTRATIONS.



## ADVERTISEMENT

*IN the following Notes the Author has not deemed it necessary to confine himself strictly to the subject of Taxation; but has touched upon various other topics, relative to political œconomy, and to the foundation of civil government. As these are intimately connected with and illustrate each other, he trusts the reader will excuse the latitude he has taken in this Appendix.*

APRIL 1, 1789.

AN  
APPENDIX  
TO THE INQUIRY CONCERNING THE  
PRINCIPLES OF TAXATION,  
CONTAINING  
SUPPLEMENTARY NOTES AND ILLUSTRATIONS.

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NOTE (A) PAGE 235.

PROPERTY NOT THE MERE CREATURE OF  
CIVIL SOCIETY.

**A**rnold Friend, of distinguished rank both in the Church, and in the republic of letters, to whom I communicated the Inquiry concerning the Principles of Taxation, “ regards property “ as very much the creature of civil society, and the supreme magistracy as authorized to apply the whole of the property of every “ individual to the use of the whole community.”\*

Notwithstanding the deference and respect I feel for the decision of one, whom I know to be a very able judge of the subject of legislation; yet I am strongly inclined to controvert the doctrine advanced, which, by *leaving nothing that a man may call his own*, (to adopt the expression of Lord Clarendon,) seems to subvert the interest we have in society itself.

I. A desire of possession, and tenaciousness of what is attained, are manifested in the earliest stages of life. They are modifications of one and the same principle, which grows with our growth, is independent of society, and subsists in as full force among savages as

\* A similar opinion is advanced by Puffendorf.

in the most cultivated nations. The like principle is common even to the brutes. The beast of prey asserts an exclusive right to his den, and to the provisions he has stored for himself, or for his offspring. The cock drives every invader from his dunghill; and the rooks punish with severity the marauders that come to pilfer their nests. But to enter into a discussion of the origin of property would exceed the limits of a note. Suffice it to observe, that we can clearly deduce it from the necessities, the desires, the affections, and other active energies of man. Of these energies, civil society is the *consequence*, and not the *cause*; and its office is to regulate them, to augment their vigour, and to afford more complete security in whatever is acquired by them. If, therefore, the powers of his nature be man's exclusive right, every thing resulting from them must be equally appropriate: and the just claim of government extends only to an equivalent to the benefits enjoyed under it.

II. Justice, fidelity, and veracity, imply in their exercise the social state: but their obligation is independent of and pre-supposed by the political union; and constitutes its only rational and legitimate bond. Is property, more than those moral virtues, the creature of civil society? All of them may subsist without government: for if only two men dwelt together on a desert island in a state of perfect equality, each would have his appropriate rights of possession; and the claim to justice, fidelity, and veracity, would be reciprocal.

III. The social union is a combination of numbers, for mutual assistance, comfort, improvement, and protection. If every individual concur in the public acts of such a community, at the first view, there might seem to be no violation of private rights. It should be remembered, however, that the circumstances and opinions of those individuals may vary in the lapse of time; and that the rights of posterity, also, are involved in their decisions. The present inhabitants of Denmark are now enslaved by the rash surrender of their liberties, which was made in 1660. Besides, the public acts of a community, if large, must necessarily be acts only of the majority: and a majority may, indeed frequently does, as the history of all nations evinces, commit violence on the rights of the minority.

Fanaticism, like that which subsisted amongst the Anabaptists of Munster, about two centuries ago, may induce the civil magistrate to order every man to bring forth his gold, silver, and precious effects, to be deposited in a public treasury, and to be dispensed,

for common use. But this would be an act of power, not of justice or legitimate authority.

IV. Grants of money, in almost every country, are made on express conditions, and as voluntary sacrifices of private rights to public good.

\*Whenever the public good requires the involuntary sacrifice of the good of an individual, great attention is paid, in all just and moderate governments, to do as little violence as possible, and to make full recompence for the injury sustained. This seems to be an unequivocal acknowledgment of the existence of private property, in the strictest sense of the word.

V. As every man has a natural right to life, he must have the same natural right to the means of supporting life. On this principle, the Athenians seem to have considered that share of a man's property, which is necessary to his subsistence, as absolutely exempt from taxation. Thus a rent of five hundred measures of corn was assessed in the yearly contribution of a talent; a rent of three hundred paid half a talent; a rent of two hundred paid one-sixth of a talent; and a land of a lower produce paid no subsidies at all. In the early days of Rome, seven acres were the utmost extent of landed property, which a Roman citizen was allowed to hold. This portion was, probably, not more than adequate to the supply of a family.

VI. There is a species of acknowledged property appertaining to states, over which they exercise an exclusive power of disposal, which bears a close analogy to private possessions. It consists in crown-lands, public buildings, highways, fortifications, &c. Can public levies to a considerable extent be, like this, regarded as the absolute right of the civil magistrate?

VII. But it may be urged, that the greatest part of property, whether personal or real, is enjoyed by *inheritance* under the authority of *laws*; and that the laws, being the creatures of civil society, render property itself equally so. The argument, however, is a fallacy. Law does not constitute the right to property; but only recognizes, sanctions, and regulates the exercise of it. What a man has acquired by art or industry, without violation done to others, is at his absolute disposal; and may, if not applied to his own use, be given to his children, his relations, or friends. Nor

\* *Dominium eminens*: transcendental property.

can there be any definite time for the restriction of such transfer; and consequently it will have equal validity at the hour of death as in the prime of life, provided the donation be voluntary, and made with a sound mind. It has indeed been said, that in a state of nature, a man's right to a particular spot of ground arises from his using and wanting it, and consequently ceases with the use and want; so that at his death the estate reverts to the community, without any regard to the last owner's will.\* But this presupposes what is in itself a contradiction, that man in *community* is a *solitary* animal, labouring and living only for himself: whereas the truth is that he labours and lives more for his family and his dependents, than for himself; that his attachments to them stimulate his faculties, and give energy to his exertions; and that to deprive him of the future end he seeks in his acquisitions, is the same wrong in kind, and much greater in degree, because more injurious to his best and strongest feelings, than it would be to deprive him of the present use of them. A father may leave an infirm widow, and numerous helpless orphans, for whom he anxiously toiled, and toiled with success. Is it equitable that they should be cast on the public for support? If it be not, the law, which guarantees to them their father's possessions, only confirms, and does not institute, their right, which is founded in nature, reason, and justice.

VIII. The dispute, perhaps, about the right of the supreme magistrate to the entire property of the whole community, is rather verbal than substantial. For, admitting it to subsist, it can only be exercised, when rights of the whole community, still dearer than those of property, are in the most imminent hazard, such as life, liberty, and religion. There must then be a justifying plea for such exercise of power: and the ultimate decision, concerning this justifying plea, must rest with the people.

\* Paley's Moral Philosophy, vol. i. p. 222, 8vo.



NOTE (B) PAGE 240.

## INFLUENCE OF THE CROWN.

THE resolution, that "the influence of the crown hath increased, "is increasing, and ought to be diminished," was moved by Mr. Danning; who explained his meaning to be, not the influence of the virtues of the sovereign, or the just rights of his prerogative, but that which arose from corruption, and other undue practices.

Sir Fletcher Norton, the Speaker of the House, observed, "that "it would be criminal in him to remain silent on this occasion. He "declared, in the most direct terms, that the influence of the crown "had been increasing of late to an alarming degree. No man had "a higher veneration for monarchy than he had: he meant that species of it established in this country; a monarchy limited by law. "Such a government required no assistance, but what was derived "from the constitution and the laws. The powers, vested in the "executive part of government, were ample and sufficient for all "the purposes of good government; and, without any further aid, "much too ample for the purposes of bad government. And he "thought himself bound, as an honest man, to say, that the influence of the crown had increased much beyond the ideas of a "monarchy strictly limited in its nature and extent."—See New Annual Register, 1780, p. 148.

Sir William Blackstone, speaking of the ancient prerogatives of the crown, and of the bounds set to them, at the revolution, says, "though these provisions have, in appearance and nominally, reduced the strength of the executive power to a much lower ebb "than in the preceding period; if, on the other hand, we throw "into the opposite scale (what perhaps the immoderate reduction "of the ancient prerogative may have rendered, in some degree, "necessary) the vast acquisition of force, arising from the riot act, "and the annual expence of a standing army; and the vast acquisition of personal attachment, arising from the magnitude of "the national debt, (now, 1788, augmented one hundred millions) "and the manner of levying those yearly millions that are appropriated to pay the interest; we shall find that the crown has,

“gradually and imperceptibly, gained almost as much in influence, as it has apparently lost in prerogative.”—Commentaries, b. iv. ch. 33.

Mr. Hume observes, that, “on a moderate computation, there are near three millions a year at the disposal of the crown. The civil list amounts to near a million; the collection of the taxes to another; and the employments in the army and navy, together with ecclesiastical preferments, to above a third million: an enormous sum, and what may fairly be computed to be more than a thirtieth part of the whole income, and labour of the kingdom.”—Essay vii. vol. i. p. 49, 8vo. edit. But Mr. Hume’s remarks were first published in 1742; since which period, the national debt has been more than doubled. The army has been increased, and ecclesiastical preferments have been considerably augmented in value. An immense patronage has also been established in the East-Indies. That of America has indeed been lost; but, in a comparative view, it was of small estimation.

The influence of the crown may be considered in two points of view: first, as it respects the exercise of the royal prerogative; secondly, as it affects the freedom and independence of parliament. In the first, we must regard the exercise of every branch of the royal prerogative, as no other than *a discretionary power to do good*; and consequently that every appointment to civil or military offices, except of persons known or believed to be best qualified for their execution; every distinction of rank conferred on those who are not of adequate desert; and every reward given, but for real services to the state; is a violation of a trust reposed in the supreme magistrate. In the second point of view, we are to consider each individual, composing the two branches of the legislature, as under a sacred obligation to weigh attentively all questions that relate to the public interest, and to vote upon them agreeably to his honest and serious conviction. If he deviate from this rule, he betrays his trust, and forfeits the character of patriotism, probity, and honour: and if the crown have seduced him, by office, titles, or pecuniary reward, the double guilt is incurred, of violating its own duty, and of inciting another to a correspondent violation.

What then is just and honourable influence? In the sovereign, it is to stimulate to exertion, and to excite steadiness in duty, by well-grounded respect, gratitude, and attachment. In the subject,

it is to feel these principles in all their force, but with a proper attention to their true object; to discriminate between the personal and official capacity of the supreme magistrate; and whenever a competition subsists between their respective interests, to regard himself as the beneficiary of the public, and as thus bound, by an additional obligation, to fulfil the duties of his station, either as a military commander, a magistrate, or a legislator. This distinction the Emperor Trajan nobly maintained, on the appointment of Suberanus, to be captain of the Prætorian guard. Presenting him with a sword as the badge of his fealty, he said, "Let this be drawn in my defence, if I rule according to equity; but if otherwise, it may be employed against me."\* With the same magnanimity he would have addressed a præfect of the treasury, or of the city. "I have invested you with a post of high dignity, authority, and emolument; because I have confidence in your talents and your virtues. Manifest your sense of the favour, by your zeal in my service; always remembering, however, that my service implies only that of the commonwealth." Prince Kaunitz, the minister of the Imperial Court of Vienna, is applauded by M. Neckar, for his impartiality, integrity, and dignity of character, in the choice of persons to fill up the great offices of state. He relates, that having persuaded the Empress Maria Theresa, to bestow the conduct of the war department on a general of great ability, but whom he had just reason, as an individual, to dislike; the commander, affected by so generous an action, earnestly wished for a reconciliation. Prince Kaunitz, however, declined all his advances; observing that he had only done his duty, in causing his sovereign to pay due regard to merit; but that in the direction of his private intimacies or connections, he was subject to no controul, and might, in perfect consistence with duty, indulge an entire freedom of choice. This fact well illustrates the true application and extent of influence.

\* Plinii Epistolæ.

NOTE (C) PAGE 245.

## DOCTRINE OF PASSIVE OBEDIENCE.

MR. Hume has very facetiously imputed *Toryism* to Socrates; because, by declining to make his escape out of prison, he sanctions the doctrine of passive obedience and non-resistance. But the truth is, this venerable philosopher disdained to save the short remnant of his days by an ignominious flight; by practising the arts of corruption; or by involving the ministers of justice in the guilt of betraying their trust. He does not appear to have treated the tumultuous assembly, which sat in judgment upon him, with *passive* deference. "Be not offended, Athenians," he said; "it is impossible, that any one should long preserve his life, who arraigns, with intrepidity, your licentiousness and injustice!"

In the admirable arguments for submission to the laws, which Plato has put into the mouth of his master, in the dialogue entitled CRITO, the obligation of the *social compact* appears to be expressly and forcibly pleaded. Very able writers have contended for and against this alleged foundation and bond of civil society. It has been condemned, as built on the chimerical supposition, that "savages have been called out of caves and deserts, to deliberate and vote upon topicks, which the experience, the studies, and the refinements of civil life alone suggest."\* But the supposition involves in it no such absurdity. Savages could never assemble together or live in community, without some common principles of harmony and agreement. And each individual feeling their influence, and yielding to their authority, a social compact was thus established, without deliberation or formal design, by laws which result from the original constitution of human nature. The veneration of age; respect for superior talents or virtues; a sense of justice, of veracity, and honour; a regard to common interest; the defence against, or invasion of, common enemies; substantiated these laws. They were voluntarily acquiesced in by all; they became confirmed

\* See Paley's Principles of Moral and Political Philosophy, book vi. chap. iii. p. 516, 4to.



by time, improved by experience, and enlarged by the progressive advancements of society.

It is said, that "if by virtue of a compact, the subject owes obedience to government, he ought to abide by the form of government which he finds established, be it ever so absurd or inconvenient. He is bound by his bargain."\* This objection will appear to have no validity, when it is recollected, that it is not an ordinary bargain or contract, in which two parties are supposed, of opposite interests; but an union of partnership, in which all are equally concerned, though with various trusts and designations. To the first and necessary laws of this union, which constitute the essence of government, submission is absolutely due. Governors, who are the organs of administration, are equally subject to them with the governed. And as these governors represent the majesty and authority of the whole, it is evident that the whole, or a majority of the whole, (which can alone act,) are superior to their representatives; and may enlarge, circumscribe, or new-model the authority which they delegate, as they shall deem most expedient. The public good, however, requires that government should possess stability, because revolutions are usually attended with much present suffering and evil. Civil magistrates, therefore, are invested with powers and prerogatives adequate to extraordinary emergencies: and the policy of this is so clear and rational, as to command general acquiescence, or implied consent.

It is further alleged, that, "if every man has a right to surrender his independence on bargain, (whether express or implied,) he must have an equal right to retain it."† This is a fallacy: for as man is by nature a social being, society is essential to his improvement and happiness. But society cannot subsist without civil polity; that is, without such laws and regulations, as are necessary to guard against imperfection and depravity; and man being also rational as well as social, he is bound not to withhold his consent from what is conducive to his interest and felicity.

Government is asserted to have been "at first § either patriarchal or military; that of a parent over his family, or of a commander

\* *Idem*, p. 421.

† *Dissertation on Government and Civil Liberty*, by Soame Jenyns, esq. A very excellent answer to this Dissertation, appeared in 1782; printed for Debrett, in Piccadilly.

§ *Paley's Moral Philosophy*, p. 399.



“over his army.” When the offspring of the patriarchs had attained the age of discretion, and the capacity of judging and acting for themselves, it is evident that their submission to paternal authority must have been voluntary; and it could only be voluntary, on terms of reciprocal benefit and comfort. Such terms, though not expressed, must be understood; and consent, on implied terms, is in its nature a tacit compact. When two or more patriarchal families united together, the compact was probably express, and not implied.

If government was at first military, this pre-supposes compact: for no individual could have sufficient force to compel numbers to submit to his authority, and combine for its extension. Their union with him, and subjection to him, must have been by choice and agreement. A civil polity was, therefore, constituted antecedent to conquest; and I presume, conquest will not be deemed a legitimate foundation of any government.

Every just government seems to include, in its constitution, the three following acts of the community:—1. A compact to unite together, to be governed in their common interests by common laws. 2. An agreement respecting the persons to be intrusted with the framing and the administration of the laws. 3. A reciprocal agreement between the governors, thus constituted, and the governed.\* At the glorious revolution in 1688, these several acts may justly be said to have taken place. For the Prince of Orange, in his declaration, invites and requires all the peers of the realm; all gentlemen, citizens, and other commons, of all ranks, to come and assist him in the execution of his design, to re-establish the constitution of the English government. The convention, which assembled on this ever-memorable occasion, deposed the supreme magistrate, *expressly* because he had broken the *original contract*; and appointed another, on certain stipulated terms, declarative of the reciprocal duties of king and people: and reducing the contract, as Sir William Blackstone observes, before built on theory and natural law, to a plain certainty. The same learned judge remarks, that the original contract is now comprehended in the coronation oath, and in that of allegiance.†

\* Consult Hucheson's System of Moral Philosophy, vol. ii. p. 227.

† See Blackstone's Commentaries, book i. p. 233.

N.B. These notes and illustrations were written before the revolution in France, an event that confirms many of the principles that have been advanced.

When Maria Theresia ascended the throne of Hungary, in 1740, she took the ancient oath as follows:—"If I, or any of my successors, shall at any time infringe upon your privileges; *by virtue of this promise*, you and your descendants shall be allowed to defend yourselves, and shall not be treated as rebels." It should seem that the two last Kings of Prussia regarded the privileges of their subjects as conferred, not confirmed, by virtue of the coronation oath; and therefore they declined the ceremony of a coronation; probably because, according to usage, it would have obliged them to an explicit declaration of the duties owing to their subjects. Baron Bielfield, in one of his letters, thus expresses himself:—"Frederick I. of Prussia, had good reasons for *submitting* to that ceremony; but his successors receive the crown from the hands of Providence, and not from their subjects. They content themselves with administering the oath of fidelity to the troops, to the nobility and to the people."\*

Mr. Hume argues against the original contract with much acuteness: yet he candidly acknowledges, that the consent of the people, where it has place, is the *best and most sacred foundation of government*. But the converse to the best and most sacred can never be, in any degree, good or sacred. If full consent render government most legitimate, the entire want of it, or absolute force, must constitute the most unjust tyranny. A scale may thus be formed between these extremes, by which the degree of legitimacy in every civil establishment may be estimated.

In the Essay on Taxation, I have adopted the expression SOCIAL UNION, as more comprehensive than any other, because it involves in it all the *rights* and *duties*, that reciprocally belong to the individuals of which it is composed. The obligation to it is antecedent to compact, consent, or expediency. It is the ordinance of God, manifested in the constitution of our nature. For no man has the moral, though he may have the physical power, to withdraw himself entirely from the intercourse of his fellow-creatures; as it would be, in a great degree, the extinction of being, so far as relates to virtue and intellectual improvement, which are the chief objects of

The Count Boulainvilliers, who ridicules the notion of an ORIGINAL CONTRACT, although himself a republican, had he lived at this period, would have seen the doctrine established in his own country, as well as in that of America.

\* See Tower's Life of the King of Prussia, vol. i. p. 82, 115.

it. Civil polity is a consequence of the social union, the mode of which is regulated by temporary expediency, and confirmed by compact or consent. But no original compact or consent can give permanent validity to what is inconsistent with the fundamental principles of the SOCIAL UNION. *Salus populi suprema lex.*

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NOTE (D) PAGE 246.

### THE DOCTRINE OF NON-RESISTANCE MERELY SPECULATIVE.

IN the year 1760, James I. thus expresses himself, in his speech to both houses of Parliament:—"As it is atheism and blasphemy, in a creature, to dispute what the Deity may do; so it is presumption and sedition, in a subject, to dispute what a king may do, in the height of his power. Good Christians," he adds, "will be content with GOD's will, revealed in his word; and good subjects will rest in the king's will, revealed in his law."\* The King's speech is now always supposed, by Parliament, to be the speech of the minister. How cruel would it have been on King James's ministers, says Mr. Horace Walpole, if that interpretation had prevailed in his reign!

Those who adopt the doctrines of indefeasible right, and absolute dominion, deceive both their sovereign and themselves; and sanction tyranny by speculative principles, which it is not in human nature to carry into practice. *The judgment and decree of the University of Oxford, passed in the convocation, July 21, 1683, against certain pernicious books, and damnable doctrines, destructive to the sacred persons of princes, their state and government, &c.* was fully contravened, in its most essential point, by the conduct of her own members at the revolution. The decree was drawn up by Dr. Jane of Christ-Church, who was afterwards one of the four delegates from the University to offer their plate to the Prince of

\* See King James's Works. Rapin's History, vol. ii. p. 178.

Orange, when on his march to London: and in 1710, it was burnt by the common executioner, in obedience to the order of the House of Peers.\*

When the great Lord Russel was condemned, on account of the Rye-house plot, in 1683; Dr. Tillotson and Dr. Burnet were both anxiously assiduous in their endeavours to persuade his Lordship, that "the Christian religion absolutely forbids the resistance of authority; and that it is not lawful, on any pretence whatsoever, to take up arms against government." The impression they made on the mind of their noble friend may be collected from the following passage in his speech. "For my part, I cannot deny, but I have been of opinion, that a free nation like this might defend their religion and liberties, when invaded and taken from them, though under pretence and colour of law. But some eminent and worthy divines, who have had the charity to be often with me, and whom I value and esteem to a very great degree, have offered weighty reasons to persuade me, that faith and patience are the proper ways for the preservation of religion; and the method of the Gospel is to suffer persecution, rather than to use resistance. But if I have sinned in this, I hope GOD will not lay it to my charge, since He knows it was only a sin of ignorance."†

The passages in the New Testament, wherein obedience to magistracy is so emphatically inculcated, are justly supposed to have been particularly addressed to the Gaulanites, a wild and deluded party, the followers of Theudas, a native of Gaulan in Upper Galilee. This fanatic, in the tenth year of JESUS CHRIST, "which was the last of Augustus, excited his countrymen the Galileans, and many others of the Jews, to take arms and venture upon all extremities, rather than pay tribute to the Romans. The principles he infused into his party were, not only that they were a free nation, and ought to be in subjection to no other; but that they were the elect of God, that He alone was their Governor, and that therefore they ought not to submit to any ordinance of man. And though he was unsuccessful, inasmuch that his party, in their very first attempt, were entirely routed and dispersed; yet so deeply had he infused his own enthusiasm into their hearts, that they never rested, till in their own destruction they involved

\* Birch's Life of Tillotson, p. 189.

† Idem, p. 116.



“the city and temple.”\* It must be recollected, also, that the followers of Jesus had long a prepossession that the Messiah was to enjoy a temporal kingdom and authority; and that, under his dominion, Judea was not only to recover her independency, but even to subvert the Roman power. Hence the seducing question proposed to our SAVIOUR, *Is it lawful to pay tribute to Cæsar, or not?* And St. Paul delivers this express injunction, *Render, therefore, unto all their dues: tribute to whom tribute is due; custom, to whom custom; fear, to whom fear; honour, to whom honour.* But though it be true that *Christ’s kingdom is not of this world; that every soul is to be subject unto the higher powers; and that whoever resisteth the power, resisteth the ordinance of God;* yet we are at the same time assured, that *rulers are not a terror to good works, but to the evil; that they are ministers of God to us for good; and that for this cause we pay tribute.* From hence, I think, it is clearly to be inferred, that magistracy is the ordinance of God, for the good of society; but that the duty of allegiance is exactly proportionate to its adaption to the great ends of its institution.

It is curious to observe, how consonant the law of England, relative to the disputed titles of our sovereigns, is to the maxim of the great Apostle of the Gentiles, *the powers that be are ordained of God.* The 11th statute of Henry VII. recites, that “the subjects of England are bound, by the duty of their allegiance, to serve their prince and sovereign lord, *for the time being*, in defence of him and his realm against every rebellion, power, and might, raised against him. And that whatsoever may happen in the fortune of war against the mind and will of the prince, *as in this land*, some time past, it hath been *seen*; it is not reasonable, but against all laws, reason, and good conscience, that such subjects, attending upon such service, should suffer for doing their true duty and service of allegiance.” “This,” says Sir Michael Foster, “putteth the duty of the subject upon a rational and safe bottom. He knoweth that protection and allegiance are reciprocal duties. He seeth the fountain from whence the blessings of government, liberty, peace, and plenty, flow to him; and there he payeth his allegiance.”†

\* Percy’s Key to the New Testament.

\* See Sir Michael Foster’s Discourses on the Crown Law, folio, p. 399.



Having made the foregoing quotation from the works of this excellent judge, I am tempted to add a few more passages, on the subject of government, from the same invaluable discourse. Some learned men “ seem not to have sufficiently attended to the nature and ends  
 “ of civil power, whereof the regal dignity is a principal branch;  
 “ they seem to have considered the crown and regal dignity merely as  
 “ a DESCENDABLE PROPERTY; or an estate or interest vested in the  
 “ possessor, for the emolument and grandeur of himself and heirs, in  
 “ a regular invariable course of descent. And therefore, in questions touching the succession, they constantly resort to the same  
 “ narrow rules and maxims of law and justice, by which questions  
 “ of mere property, the title to a pig-stye or a lay-stall, are governed.  
 “ If I could conceive of the crown as an inheritance of *mere property*, I should be tempted to argue in the same manner. But  
 “ had they considered the crown and royal dignity, as a descendable OFFICE, as a TRUST for millions, and extending its influence  
 “ to generations yet unborn; had they considered it in that light,  
 “ they would soon have discovered the principle upon which the  
 “ right of the legislature to interpose in cases of necessity is manifestly founded: and that is the SALUS POPULI, already mentioned upon a like occasion.”\*—“ All the rights and powers for  
 “ defence and preservation belonging to society are nothing more  
 “ than the natural rights and powers of individuals transferred to  
 “ and centering in the body, for the preservation of the whole.  
 “ And from the law of self-preservation, considered as extending  
 “ to civil society, resulteth the well-known maxim, *salus populi suprema lex*.

“ I think the principles here laid down must be admitted, unless  
 “ any one will choose to say, that individuals in a community are, in  
 “ certain cases, under the protection of the primitive law of self-preservation; but communities, composed of the same individuals,  
 “ are, in the like cases, excluded. Or, that when the enemy is at  
 “ the gate, every single soldier may and ought to stand to his arms,  
 “ but the *garrison* must surrender at *discretion*.”†

\* Sir Michael Foster's Discourses on the Crown Law, folio, p. 404.

† Id. p. 382, 383.

NOTE (E) PAGE 250.

## ADVANTAGES OF THE BRITISH GOVERNMENT.

THOMSON, whose authority may be quoted, as a moralist and philosopher, has admirably described the British constitution, in the second canto of his *Castle of Indolence*:

“Whereas the knight hal fram’d in Britain land  
 “A matchless form of glorious government,  
 “In which the sovereign laws alone command;  
 “Laws ’stablish’d by the public free consent,  
 “Whose majesty is to the sceptre lent.”

Under this view of our constitution, loyalty in a Briton is a rational and patriotic principle. It is not a blind and servile attachment to the person or family of the monarch; but a reverence for him, as the minister of law and justice, and the patriarch of his people. If, however, his private and public virtues happily merit confidence and esteem, subjection will be accompanied with cordial satisfaction; and obedience performed with promptitude, zeal, and love. This warmth of loyalty ought to be peculiarly encouraged in a free state; because it may often be found necessary to counteract the insidious arts of faction, or the enterprising spirit of aristocratic ambition.

It is a common observation, adopted even by some republican writers, that an absolute monarchy is the best of all forms of government, provided a succession of wise, virtuous, and patriotic sovereigns be insured. But, admitting the supposition, however improbable it may be, I am persuaded it is essential to the highest interests of the people, that they possess a share in the administration; and that the calm of despotism, even under a Titus or an Antoninus, would be less favourable to moral and intellectual improvement, than the agitations which occasionally arise in our mixed system of polity. These agitations diffuse the love of our country, kindle the ardour of ambition, animate the spirit of enterprise, and call forth into public exertion many talents which might otherwise have remained in obscurity.

- “ This is true liberty, when free-born men,
- “ Having to advise the public, may speak free ;
- “ Which he who can and will deserves high praise,
- “ Who neither can nor will may hold his peace :
- “ What can be juster in a state than this ? ” \*

These high and important privileges inspire a veneration for the dignity of the human character, and a disdain of whatever tends to the degradation of our species. And the enthusiasm of liberty, thus roused, extends itself beyond our country: we learn to regard ourselves as citizens of the world, and become assertors of the equal and unalienable rights of all mankind.

It is to the influence of this magnanimous principle, that we may reasonably ascribe the noble efforts, which have been lately made, towards accomplishing the abolition of slavery and the African slave trade. “ A slave, or a negro,” says Judge Blackstone, “ the moment he lands in England, falls under the protection of the laws; and, so far, becomes a freeman. This spirit of liberty is rooted even in our very soil.”\* But I trust it is not to be *locally* circumscribed; that it is deeply implanted in our minds; and that, according to the assertion of Fortescue, *Anglicæ jura in omni casu libertati dant favorem*.† In the case of Somerset, the negro, decided in 1772, it was the judgment of the Court of King’s-Bench, that the master could not recover his power over his servant, by sending him abroad at pleasure. And the Chief Court of Justiciary in Scotland, in 1778, made an award against John Wedderburn, in favour of Joseph Knight, an African, “ that the dominion assumed over this negro, under the law of Jamaica, BEING UNJUST, could not be supported, in this country, to any extent: that, therefore, the defender, had no right to the negro’s service, for any space of time; nor to send him out of the country against his consent.”‡ So explicit a condemnation of the servitude of the negroes, by very high legal authority, clearly implies a condemnation equally strong of that infamous traffic from which it originates; exclusively of every consideration, relative to the barbarity with which it is conducted.

\* Milton, motto to the *Areopagitica*, translated from Euripides.

\* Comment. book i. chap. i. p. 12.

† De laud. leg. Ang. cap. 42 — “ One nation there is in the world that has, for the best end of its constitution, political liberty.” Montesquieu’s *Spirit of Laws*, vol. i. p. 215.

‡ Millar on the *Origin of Ranks*, edit. 3d, p. 361.

From the report of the Lords of the Committee of Council, concerning the present state of the trade to Africa, and particularly the trade in slaves, it appears that this traffic is frequently carried on by *kidnapping*, and bears a close analogy to *piracy*. The former is defined by Judge Blackstone, “the forcible abduction or stealing away of man, woman, and child, from their own country; and selling them into another.” By the Jewish law, this was a capital offence: *He that stealeth a man, and selleth him, or if he be found in his hand, shall surely be put to death*: Exodus xxi. 16. By the civil law, also, the crime termed *Plagium* was capital, which consisted in spiriting away and stealing men and children.\* Piracy is an offence against the universal law of society; a pirate being, according to Sir Edward Coke, *hostis humani generis*. And, by statute 8 Geo. I. the trading with known pirates, or furnishing them with stores or ammunition, is deemed piracy; and all accessories to piracy are declared to be principal pirates, and felons without benefit of clergy.† Surely the crime of piracy, in its essence and degree, is the same, to an enlightened mind, on the coasts of Africa as on those of Europe: and we condemn, with as full conviction of their enormity, the depredations of the knights of Malta on the peasants, fishermen, and sailors of Barbary, as we do those of the corsairs of Tunis, and Algiers, on the state of Italy.‡

\* Blackstone’s Comment. book iv. chap. xv.

The extent of this crime, as practised on the coast of Guinea, overpowers the sense of its enormity, and of the miseries produced by it. Of these miseries we may form an estimate, by the following affecting account of the sufferings of a few natives of another part of the globe, on being forced away from their country, their families, and friends. Christiern IV. king of Denmark, sent three ships to make discoveries on the coast of Greenland. The commanders of these vessels carried off several of the natives, who, when first captured, “rent the air with their cries and lamentations. They leaped into the sea; and when taken again on ship-board, for some time refused all sustenance. Their eyes were continually turned towards their dear country, and their faces always bathed in tears. Even the countenance of his Danish majesty, and the caresses of the court and people, could not alleviate their grief. One of them was perceived to shed tears always when he saw an infant in the mother’s arms; a circumstance from whence it was naturally concluded, that he had left his wife with a young child in Greenland.”—See Encyclop. Britan. Art. Greenland.

† Blackstone’s Comment. book iv. chap. 5.

‡ Howard on Lazarettos, p. 58.



Servitude is founded, by those civilians who deem it lawful, on voluntary compact, on captivity, on debt, and on the power of the magistrate in the punishment of crimes.

Slavery, founded on *voluntary compact*, must in itself be void; because man, being an accountable creature, has not in himself a right to dispense with that accountableness, or to yield up his will and conduct to the absolute disposal of another. Besides, every compact implies reciprocal and proportionate benefit. But what benefit can he derive from an act which divests him of all the capacities for property, all the rights of a citizen, and all the honourable distinctions of a rational being? *Captivity* cannot itself be justified, except as the consequence of *lawful war*: and the prisoners, though they may properly be compelled to work for their own maintenance, or perhaps, in some special instances, to make compensation for damages sustained, owe no farther services to their captors, and have a natural right to be restored to liberty, when such obligation has been fulfilled, or whenever there shall be a cessation of war. In the case of *debt*, also, the claim to servitude is limited, extending only to the retribution of the creditor; and never involving in it any right over posterity. As a *punishment* for crimes, slavery may sometimes be deemed both reasonable and politic; but, in its duration and severity, it must be exactly proportionate to the offence: and as most punishments are intended for reformation, no less than for example, the benefit of the slave and of the public is to be the sole standard of its measure. How little applicable are these canons to the justification of slavery, as it formerly subsisted in Europe; or to the practice of transporting slaves from the coast of Africa to our colonial possessions! But the authority of the Holy Scriptures is pleaded. To the Jewish laws and customs we owe no obedience; and the evangelical code will assuredly be found repugnant to slavery, in its doctrines, its precepts, and the example of its Divine Founder. We are therein taught, that all mankind are equally the children of one common Father, redeemed by the same Saviour, and joint heirs of glory and immortality. We are commanded *to love our neighbours as ourselves*; and *to do unto others, as we would they should do unto us*. And our Divine Master was himself *meek and lowly in spirit, condescending to men of low estate, and continually going about to do good*. Converted servants, indeed, under the yoke, are enjoined *to count their own masters worthy of*



*all honour.* This, however, can only mean all reasonable honour; and the *believing masters* are at the same time instructed *not to despise their servants, because they are brethren; but rather to do them services, because they are faithful and beloved partakers of the benefit.* 1 Tim. vi. 1, 2. Several of the injunctions of scripture, regarding submission, are to be considered as *prudential*, not as *moral*, precepts. *If a man smite thee on the right cheek, turn to him the left also. And, if any man take thy cloak, let him have thy coat also.* Such a rule could relate only to the particular circumstances and situation of those to whom it was delivered: and the command to bear injury, oppression, or injustice, can, in no instance, give a sanction to the commission of those crimes.

St. Paul addresses an epistle to Philemon, a native of Colosse in Phrygia, in behalf of Onesimus his slave, who had robbed and run away from him, but was afterwards converted to the Christian faith at Rome. The Apostle says, *I beseech thee for my son Onesimus, whom I have sent again: thou, therefore, receive him that is my own bowels, not now as a servant, but above a servant, a brother beloved, specially to me; but how much more unto thee in the flesh and in the Lord!*\* Servitude, under such circumstances, is *virtually* annihilated: and it was by the spirit of meekness and brotherly love, that Christianity was adapted to promote a gradual abolition of the cruel bondage, in which more than two-thirds of the Roman empire were held at the time of its promulgation.

NOTE (F) PAGE 252.

### TAXES ON THE NECESSARIES OF LIFE.

AT Tobolski, in Siberia, the price of provisions is so extremely low, that it seems to encourage both idleness and debauchery in the inhabitants; for the labour of one day furnishes sufficient

\* It has been conjectured, that Onesimus received his freedom, and was afterwards bishop of Berea in Macedonia. "When Ignatius wrote his epistle to the Ephesians, about the year 107, their bishop's name was *Onesimus*; and Grotius thought him to be the same for whom Paul interceded with Philemon."—*Churchman's History of the Apostles.* Bishop Watson's Theological Tracts, vol. ii. p. 207.

support for a whole week, and every additional exertion supplies the means of riot and excess.\* Sir Wm. Temple, in his comparison between the people of Ireland and the Netherlands, ascribes the laziness of the former to the like cause. "For men," says he, "naturally prefer ease before labour, and will not take pains if they can live idle; though, when by necessity they have been inured to it, they cannot leave it, being grown a custom necessary to their health and very entertainment."† But in Siberia and in Ireland, the inhabitants having never seen or tasted the enjoyments procured by industry, and being in a state of oppression, from which they have not the power to free themselves, they are destitute of adequate incitements to exertion: whereas in the provinces of America, though the price of labour is very high, and the necessaries of life still more cheap and plentiful than in the countries above-mentioned, industry subsists in its full energy. The evils flowing from high wages and the cheapness of provisions are chiefly observed in our great manufacturing towns, and in the districts immediately dependent upon them. In the kingdom at large, such consequences are not experienced; yet the country working poor are supposed to constitute three-fourths of the whole body of labourers: so that the adoption of a maxim, which is just and salutary with respect to the ingenious but profligate inhabitants of towns, may prove injurious to the more sober, orderly, but less active inhabitants of the country; who are also the great sources of population. For it appears, from Mr. Howlet's calculation, that, at Dunmow in Essex, two hundred and sixty poor families have four hundred and sixty children; whereas one hundred and sixteen families, of the ranks above them, have only one hundred and twenty children.

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NOTE (G) PAGE 256.

STATUTES OF EXCISE.

**I**T is the complaint of an enlightened French statesman, M. Turgot, that the established rule of finance, in all doubtful cases, is to make the decision in favour of the revenue: and that, by the

\* Lord Kaims's History of Man, vol. ii.

† Account of the Netherlands, ch. vi.

complication of laws, almost every case is rendered doubtful. M Neckar also observes, that when the taxes are immoderate, when they even exceed certain limits, exactness is augmented in proportion to the difficulty of collection: it becomes necessary to give greater authority to the collectors; to be insensible to complaints; to venerate the science of finance; and to honour all the professors of it, without distinction.

As the finances of the kingdom are now said to be in a flourishing state, and as the annual collection of more than fifteen millions bears so large a portion to the whole capital stock and income of the community; it may be hoped that the legislature will engage in a thorough revision of the laws of revenue, with a view, not merely to their productiveness, but to their equity and consistency with the rights of the people. Tacitus records the justice of an edict of Nero, commanding the prætor of Rome, and similar officers in the provinces, to receive complaints against the publicans, and to redress the wrongs committed by them on the spot.\* Let us compare this with the conduct of Frederic II. king of Prussia, whose tax-gatherers supported the double office of exciseman and judge; so that if a tenant did not pay his assessment on the very day appointed, the collector put on the magisterial robes, and fined the delinquent in double the sum.†

A very judicious writer‡ on the subject of taxes remarks, “that though vexation is not, strictly speaking, expence, it is certainly “equivalent to the expence, at which every man would be willing “to redeem himself from it.” This important consideration pleads strongly for a revival of the excise laws; by which six millions and a half, a sum equal to two-fifths of the whole revenue of the state, are raised chiefly from the arts and industry of the people. It is said, that the number of informations tried in one year amounted nearly to five thousand; but the actual forfeitures only to seven thousand pounds. A fuller proof can hardly be adduced that frivolous and vexatious suits are often instituted, even under the present just and lenient government. What oppression, therefore, may be dreaded from a farther extension of an uninterrupted system of excise, if power and long usage shall hereafter silence the public voice against it!

\* Annal. xiii. 51.

† Towers's Life of the King of Prussia.

‡ Smith on the Wealth of Nations; book v. ch. ii. part ii.

NOTE (II) PAGE 256.

## OATHS.

IN the edict of the Grand Duke of Tuscany, for the reform of Criminal Law, of which the benevolent Mr. Howard has favoured me with a copy, it appears that the number of oaths are greatly diminished; and that they are administered with the utmost solemnity and reverence. As this tract is not published, I shall transcribe the following paragraphs from it:—

“In consequence of the foregoing regulations, instead of the  
“warning to declare the truth, which it was for the judge in the  
“process to give the witness, previous to his taking his oath, the  
“said officer shall represent to him, that the laws, both human and  
“divine, make it the duty of every man not to attest a falsehood,  
“nor to declare himself ignorant; he is likewise to remind him,  
“not only of the importance of that obligation, but also that he is  
“liable to be obliged to confirm by oath, at the request either of  
“the accused, the plaintiff, or the injured party, whatever he is  
“about to declare, in reply to the simple queries that are to be put  
“to him.”

“And we order that, in whatever case and circumstance it may  
“be permitted to administer an oath, let it be to whom it will, and  
“on any occasion whatsoever, the judge or public officer carrying  
“on the trial, before he administers the said oath, shall represent to  
“the person the obligation that accompanies it, explaining to him  
“its meaning and importance; and to the end that it may make a  
“greater impression, we abolish the simple formality of touching a  
“leaf of the bible only, instead of which the person shall kneel  
“down, and swear before a crucifix. When the person who is  
“about to swear, is of a religion different from ours, he shall take  
“his oath in the form the most respected and dreaded by those of  
“his own persuasion, the great importance of the undertaking  
“having previously been represented to him.”

Mr. Howard, in his Observations on Foreign Prisons, informs us, that, in *La Prison Ordinaire*, at Bern, a serious exhortation is hung up, concerning the awful nature of an oath, together with the forms of those which are to be taken. He transcribes the one following:  
“My deposition, which has now been read to me, I confirm before



“ the face of God omnipotent, omniscient, and true, to contain the  
 “ truth, as I desire that God may be my help, at the end of my  
 “ days.” The same excellent author speaks, with much appro-  
 bation, of the mode of administering oaths in Scotland; and asserts  
 that perjury is not frequent in that country. But I know not how  
 to reconcile this observation with what Lord Kaims, a late respect-  
 able judge of the Court of Session, has delivered in his *Loose Hints*  
*on Education*:—“ Custom-house oaths,” says his Lordship, “ now-  
 “ a-days, go for nothing; not that the world grows more wicked,  
 “ but because no person lays any stress upon them. The duty on  
 “ French wine is the same in Scotland and in England. But as we  
 “ cannot afford to pay this high duty, the permission, under-hand,  
 “ to pay Spanish duty for French wine, is found more beneficial to  
 “ the revenue than the rigour of the law. The oath however  
 “ must be taken, that the wine we import is Spanish, to entitle us  
 “ to the ease of the Spanish duty. Such oaths, at first, were highly  
 “ criminal, because directly a fraud against the public; but now  
 “ that the oath is only exacted for form’s sake, without any faith  
 “ intended to be given or received, it becomes very little different  
 “ from saying in the way of civility, *I am, Sir, your friend, or your*  
*obedient servant*. And in fact, we every day see merchants deal-  
 “ ing in such oaths, whom no man scruples to rely upon in the  
 “ most material affairs.”

Such Machiavelian sentiments, offered by a learned judge, must  
 surprize and shock every well-informed and well-principled mind.  
 But I shall make no other comment on them, than that they irrefra-  
 gably evince the corrupting influence of the present multiplication  
 of oaths on the moral opinions as well as practices of mankind.

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ADDITIONAL NOTE, PAGE 247, LINE 16.

TURPITUDE MARKED BY THE GROSS DEFECT OF  
 GOOD PRINCIPLES, &c.

THE distinction of *positive* and *negative* turpitude is of consider-  
 able importance in ethics. Yet there may subsist great apathy,  
 or defect of good principle, in a mind virtuous as to its general  
 constitution. The people of Hindostan are remarkable for the gen-



tenets of their dispositions, the softness of their manners, and the force of their attachments in love; yet they seem to be devoid of compassion and generosity. They are said to be unaffected by the distresses, the dangers, or even the death, of a fellow-creature. "An English gentleman was standing by a Hindoo, when a fierce and ravenous tiger leaped from a thicket, and carried off a screaming boy, who was the son of one of his neighbours. The Englishman expressed symptoms of the most extreme horror; whilst the Hindoo remained unmoved. What! said the former, are you unaffected by dreadful a scene? The great God, replied the other, would have it so."\*

\* See Annual Register for 1752, p. 36.

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BIOGRAPHICAL  
M E M O I R S

OF THE LATE

THOMAS BUTTERWORTH BAYLEY, Esq;

F. R. S. &c. &c.

OF

*HOPE-HALL, NEAR MANCHESTER.*

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“ ————— by all approv’d,

“ Prais’d, wept, and honour’d, by the *friend* he lov’d.”

"HEU!

"QUANTO MINUS EST RELIQUIS VERSARI,

"QAM TUI MEMINISSE."

## BIOGRAPHICAL MEMOIRS

OF

THOMAS BUTTERWORTH BAYLEY, Esq.

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THE recollection of a Friend, who has finished his earthly career with distinguished honour, and recently paid the last debt to nature, is accompanied with a mixture of reverence and love, beyond what the most exalted or most beneficent actions during life inspire. We cherish the contemplation of departed excellence with pleasing sorrow; and it becomes even a grateful task, to communicate to others some participation in the feelings which occupy our minds on the mournful occasion. These reflections have been suggested by the much-lamented death of THOS. B. BAYLEY, esq; whose talents, character, and conduct have long been regarded by the public with no ordinary degree of interest. He was seized at Buxton with a disorder of the bowels, which terminated fatally on Thursday the 24th of June, 1802, at the close of the 58th year of his age. The illness was short but severe; and supported by him with



exemplary serenity and fortitude. His progenitors were persons of fortune and great respectability; and on his mother's side he was descended from the Dukenfields of Dukenfield in Cheshire; an ancient family, in the male line of which the dignity of Baronet has been transmitted in regular succession since the reign of King Charles II. Mr. Bayley was educated to no profession; but being sent to the University of Edinburgh, and placed under the special care of an excellent tutor, he applied himself with uncommon ardour, assiduity, and success, to all those studies which were adapted to qualify him for the rank and duties of a country gentleman. Not long after he had completed his academical pursuits he was nominated to be one of his Majesty's Justices of the Peace for the County Palatine of Lancaster. By reading, by observation, by attendance on the courts of judicature; and particularly by communication with a neighbouring magistrate,\* distinguished for his probity, sound judgment, and juridical skill; he acquired a very comprehensive knowledge of the laws of his country: and becoming pre-eminent on the bench, he was in a few years appointed Perpetual Chairman of the Quarter-Sessions. This station, which was of peculiar importance in the populous trading district where he officiated, he filled with dignity and consummate ability. His attention to the causes brought for trial was unremitting; his patience

\* Dornig Rasbotham, Esq.

in hearing the longest investigations, unwearied; his discrimination of evidence, impartial and acute; and his protection of the witnesses from petulance or insult was spirited and inflexible. The charges which he delivered to the jurymen were replete with legal wisdom and moral instruction; and he pronounced the sentence of the Court on the unhappy convicts with the most impressive solemnity. Indeed, on every occasion he delivered himself with fluency, grace, perspicuity, and energy.

His excellence as a Magistrate was not confined to the proceedings of the bench. He superintended with vigilance the general POLICE, solicitous to diminish evils in their commencement, and to obviate punishment by the prevention of crimes. He was sedulously watchful over the PAROCHIAL WORKHOUSES under his jurisdiction; which he frequently visited, that he might make the strictest scrutiny into their domestic regulations, their comforts, salubrity, and the proper distribution of labour.

The erection of a commodious and well-ventilated GAOL and PENITENTIARY-HOUSE, at Manchester, was accomplished by him in 1787, but not without much opposition. Yet the measure was afterwards so highly approved, even by those justices who were at first strenuous against it, that the premises were stiled the *New Bayley*, in honour of the projector, by the unanimous vote of the whole bench of magistrates. Of this place of confinement, the philanthropic Mr. Howard speaks in the following terms: "By the

“ spirited exertions of Mr. Bayley, and other magistrates, a new prison is building on a large scale, from Mr. Blackburn’s plan, in which there will be single cells and separate apartments for faulty apprentices, &c. This prison will reflect much credit on the good sense and liberality of the hundred of Salford, which alone defrays all the costs of the building.” For the improvement in the Courts of Assize, and the County Gaol at Lancaster, the like praise is due to Mr. Bayley. Such indeed was the general sense of his skill in the construction of places of confinement, that he was consulted about most of the prisons which of late have been enlarged or erected in this kingdom.

The state of the great body of the poor, in the town and neighbourhood of Manchester, occupied much of the time and attention of Mr. Bayley. In the year 1796, he took a very active part in the establishment of a BOARD OF HEALTH, over which he continued to preside, till the institution was deprived of his services by death. The first Report of this establishment thus announces the design of it to the public: “ To meliorate the condition of the indigent ; to prevent the generation of diseases ; to obviate the propagation of them by contagion ; and to mitigate those which exist, by providing comforts and accommodations for the sick ; are the professed objects of this undertaking.” That much good has been done by it, cannot be doubted ; and the farther plans for the extension of its benefits,

which are now in contemplation, were ardently encouraged and supported by Mr. Bayley.

The Cotton-Mills, which have been so multiplied in this country, as now to furnish employment to several hundred thousand hands, very early arrested the attention of Mr. Bayley. In the year 1784, an alarming malignant fever was supposed to originate in a large factory at Radcliffe near Manchester. The Magistrates, therefore, requested the Physicians of the town to make enquiry into its causes, and to suggest the proper means of preventing the spreading of the contagion. The commission was immediately executed; and the Medical Gentlemen thus concluded their Memorial, addressed to his Majesty's Justices of the Peace: "We earnestly recommend a longer recess from labour at noon, and a more early dismissal from it in the evening, to all who work in the Cotton-Mills. But we deem (say they) this indulgence essential to the present health and future capacity for labour of those who are under the age of fourteen; for the active recreations of childhood and youth are necessary to the growth, the vigour, and right conformation of the human body. And we cannot excuse ourselves, on the present occasion, from suggesting to you, who are the guardians of the public weal, this further very important consideration; that the rising generation should not be debarred from all opportunities of instruction, at the only season of life in which they can be properly improved." Since the period here alluded



to, several proprietors of large factories have, with equal judgment and benevolence, adopted regulations favourable both to health and morals. Yet in many of these works great evils still subsist; and, it was the opinion of Mr. Bayley, will continue to subsist, till a code of laws for their general government, framed according to the plans which the experience of a few spirited individuals has proved to be practicable, wise, and salutary, has been sanctioned by the authority of the legislature. On the Bill lately enacted, for the well ordering of Apprentices in the Cotton-Mills, he was consulted by the very respectable Senator, who moved and supported it in Parliament. The clauses in general he approved; but considered them as much too partial and limited in their operation, to answer the important and necessary purposes of reformation. Indeed he was adverse to the admission of apprentices from a distance; who, being unknown, must in some measure be unprotected. To the dissolution of family connections also, even amongst the lowest orders of the poor, which this practice tends to produce, he was wont to urge very forcible objections. On such connections the most valuable interests of life depend:

“ Relations dear, and all the charities

“ Of Father, Son, and Brother.”

MILTON.

And when a parent has been induced to abandon his offspring, and the child is placed in a situation which extinguishes all the tender attachments of affinity, the strongest incentives to virtue are with-



drawn, and the mind becomes prepared for idleness, malevolence, and profligacy.

To counteract the causes of increasing vice and misery, by promoting the moral and religious instruction of the rising generation amongst the poor, Mr. Bayley gave the most zealous encouragement to the establishment of Sunday Schools. He was a friend to the diffusion of knowledge, especially of that knowledge which all admit to be *prime wisdom*; and he often expressed both surprize and concern at the error of many well-disposed persons, who are inimical to the extension of every branch of learning to the inferior classes of the community. For his comprehensive experience had fully convinced him, that reading, writing, and arithmetic, are not only favourable to skill and advancement in the arts, but to subordination, peaceableness, sobriety, and honesty.

More than twenty-five years ago, a few gentlemen belonging to the town and neighbourhood of Manchester, who had a taste for polite literature and philosophy, formed themselves into a weekly association, for the purpose of conversing together on scientific topics. Mr. Bayley early joined this little band; and afterwards aided, both by his counsels and influence, the enlargement of the original plan. Presidents and other officers were elected; laws were framed; and a regular institution established, under the denomination of the *Literary and Philosophical Society of Manchester*; which has published five volumes of Transactions, inscribed by permission to the

King, that have been received with much approbation by the public. The meetings of this body Mr. Bayley could only occasionally attend, having his time fully occupied in other pressing and active pursuits; but he repeatedly furnished valuable communications.

From this Institution another sprung, not long afterwards, entitled the *College of Arts and Sciences*, for which Mr. Bayley was at great pains to obtain the most honourable patronage, and most liberal support. It was intended to provide a course of scholastic instruction, compatible with the engagements of commercial life, favourable to all its higher interests, and at the same time preparatory to the systematic studies of the university. To unite philosophy with art, the moral and intellectual culture of the mind with the pursuits of fortune, and to superadd the noblest powers of enjoyment to the acquisition of wealth, were the objects which it professed to hold in view. In the first session, lectures were proposed to be delivered on practical mathematics, and on the principal branches of natural and experimental philosophy; on chemistry, with a reference to arts and manufactures; on the origin, history, and progress of arts, manufactures, and commerce; on the commercial laws and regulations of different countries; and on the nature of commutative justice, of oaths, contracts, and other branches of commercial ethics. This admirable undertaking, which was highly applauded by men of the first literary eminence in England and other

countries, and so approved by Dr. Franklin, that he is said to have left a considerable sum of money for the establishment of a similar institution in America, met with unexpected and very groundless opposition in Manchester; and for want of sufficient encouragement was soon abandoned. The effort, however, though not crowned with success, reflects honour on the memory of Mr. Bayley.

The Abolition of the Slave Trade, about fourteen years since, became the subject of very interesting parliamentary discussion. Manchester had the honour of precedence over every other provincial town in the kingdom, in espousing this important cause of justice and humanity. Public consultations were held to promote the success of it; and no one engaged in the transaction with more heart-felt concern than Mr. Bayley. A petition to the House of Commons was determined upon, by a numerous and most respectable meeting; and when it was framed and ready for signature, he was the first person who affixed his name to it. On taking the pen, he lifted up his hands to Heaven, and with an elevated voice exclaimed, "May God grant his blessing on this virtuous effort in favour of oppressed humanity!" A profound silence ensued; one sympathetic emotion seemed to pervade the whole assembly; and every heart was in unison with the devout aspiration.

The delightful, and it may be added, truly patriotic pursuits of Agriculture, since on their extension the national prosperity is far more dependent, than on

foreign commerce, uniformly engaged the few leisure hours which Mr. Bayley enjoyed; and to the exercise in the open air, to which he was induced by attention to the improvements in his pleasure-grounds and farm at Hope, aided by habitual temperance, a constitution, naturally weak and infirm, was rendered tolerably vigorous and robust. In draining, planting, manuring, and the culture of new grasses, he had acquired no small degree of skill and judgment; and the Manchester Agricultural Society, of which he was a founder and constant supporter, adjudged to him many honourable premiums.

At the close of the American war, before peace was finally concluded with France, Government encouraged the raising of Volunteer Corps in different parts of England. A very respectable one was embodied at Manchester, and Mr. Bayley was appointed by his Majesty Lieutenant-Colonel Commandant. The same honour was again conferred upon him, on the like occasion, in 1798, a period when the country was universally alarmed with the apprehensions of invasion.

In a district so immensely populous as the Hundred of Salford, in which very considerable vicissitudes are at times experienced in the state of the manufactures, affecting the prices of labour and the means of subsistence, violent tumults may, under particular circumstances, be expected to arise. The military force has never been employed in repressing these disorders, but as an auxiliary to the civil power; and Mr. Bayley,



by temperate firmness, and authority mixed with conciliation, was always able, in conjunction with some of his brethren of the Bench of Justices, to disperse the mobs without the effusion of blood. On such alarming emergencies, his own life has been, more than once, in the most imminent danger. Yet he shrunk not from the exposure of it again, when public duty called him to the renewal of his exertions: and he has been known to ride into the midst of an enraged multitude, armed with stones and bludgeons; and, when exhortations and threats availed not, has assisted personally in the seizure of their ringleaders; evincing, that the energy of a generous mind rises according to the greatness of the existing occasion; and that courage and intrepidity will always be adequate to the magnitude of the evil which is to be overcome.

Mr. Bayley married Mary the only child of Mr. Vincent Leggatt, of London; a lady whose cheerfulness, good-sense, and maternal virtues, have endeared her to a numerous family; and whose hospitality, beneficence, and humanity, have rendered her a blessing to an extensive neighbourhood. In the relation of husband, father, and friend, Mr. Bayley's merits were not less distinguished than in the offices of public life which he sustained. The warmth of his affections, and the urbanity of his manners, peculiarly qualified him for domestic and social endearments. In his conduct to his children, he blended together, with great felicity, authority and love. The suavity



and playfulness of his mind disposed him to participate in all their amusements. Yet he could resume the parental authority, whenever it was liable to injury from familiarity or condescension. The prosperity and happiness of his intimate connections, were almost as dear to him as his own; and he deemed no exertions for their interest too painful or laborious, when the claim was important or reasonable. He had ample means of furthering their views, by the very numerous correspondences which he enjoyed with men of every rank and station throughout these kingdoms. The powers which Mr. Bayley possessed of forming acquaintances, and his assiduity in preserving all that were valuable, constitute a remarkable trait in his character. With a person and address truly engaging, he recommended himself at once to attention and regard; and having much general knowledge, he could adapt his conversation with ease and propriety to the turn of mind, the pursuits, or the occupation, of the individual with whom he conferred. Early habits of multiplied business had also trained him to all the varieties of intercourse. Soon after his first entrance into the magistracy, he was appointed High-Sheriff of Lancashire; an office which, by its dignity and duties, necessarily introduced him to almost every one of consequence in the county. Afterwards he was made Collector of the King's Revenue under the Chancellor of the Duchy; and his frequent calls to serve on Grand Juries; the applications to Parlia-

ment, in which at different times he was engaged; with various circumstances of a private nature, contributed to enlarge still more the sphere of his social relations, and consequently to aid his capacity for usefulness both to his friends and the community.

In this short biographical sketch of a beloved friend, it would be highly unjustifiable to pass over in silence his RELIGIOUS CHARACTER. The virtues and honours of a transitory life dwindle into insignificance, if they are not made to refer to a state of futurity, and to the eternal favour of God. This sentiment, at all seasons, actuated the pious mind of Mr. Bayley; and his hopes of immortality were founded on a full confidence in the Divine Goodness, and a firm persuasion of the truth of Christianity. His devotion was sincere and fervent, but devoid either of enthusiasm or superstition. To the communion of the Church of England he was cordially attached, not from the prejudices of *early education*, but from mature reflection and deliberate judgment. Yet though he cherished her doctrines and discipline, he was uniformly hostile to the spirit of bigotry, and full of candour and benignity to other modes of faith and worship. He honoured *probity* alike in the individuals of every sect; and held the rights of conscience and of private judgment to be inviolable. On the awful day of resurrection, he believed the final enquiry will not be, What creeds have you adopted, or what ecclesiastical system have you espoused; but have you clothed the naked; have you fed the

hungry; have you ministered to the sick; or have you served God, by doing good to your fellow-creatures, who are his offspring?

In Politics, Mr. Bayley was a Whig of the old school; devoted to the established principles of the British Constitution; in support of which he displayed such zeal and activity, during the late eventful and turbulent period, as to receive the warmest approbation from his Majesty's ministers.

Such are the lineaments of an exalted character, which friendship has endeavoured, with powers too feeble, to pourtray. The shades that mixed themselves with the brighter colourings, will not, in the eye of reason, be viewed as darkening the picture. For the condition of humanity admits not of perfection; and almost every excellence is occasionally blended with some kindred defect. This constitutes at once the trial and the triumph of virtue. In the revered man, whose loss is so deeply lamented, provocations sometimes excited resentful emotions, which the occasion might not perhaps entirely justify. But these occurred not on the judgment-seat, nor at any season when duty imperiously required self-command. His warmth also was short-lived, and was succeeded by the most amiable relentings. The forgiveness of injuries he carried almost to the literal extent enjoined in the Gospel, pardoning the offences of a brother, not only *seven times*, but *seventy times seven*. A voracity of mind and of pursuits was sometimes observed in Mr. Bayley, beyond what is

consistent with the firmness of purpose, supposed to be characteristic of wisdom. But let it be recollected, that in the multiplicity of concerns which occupied his attention, new and unexpected views of things might present themselves; and that pertinacity must often have proved more injurious than a temporary disposition to change. In the exercise of the magisterial functions, the sentence of justice can seldom be expected to give satisfaction to each of the parties who are the subjects of it. He who suffers by the award, will be inclined to complain; and complaint, however unreasonable, may incite to condemnation. Sometimes, also, the decision may be apparently rigorous and severe; and by exceeding the moral turpitude of the offence, may stand opposed to the feelings of pity, and even to the sense of equity, in the minds of uninformed spectators. On such occasions, hard is the lot of a judge, who is bound by his oath, and still more strongly by his duty to society, not to *dispense* with, but to *execute*, the laws of his country; and whatever be the struggle in his heart, every soft emotion is to be controled. He must rise superior to present obloquy, and magnanimously fulfil the sacred obligations of his office.

The rejection of petitions for mercy to a condemned delinquent, or for the mitigation of pains and penalties, which were not unfrequently presented to Mr. Bayley, as Chairman of the Sessions, from well-intentioned, but not well-judging, persons, exposed him to unmerited censure, and often to permanent



resentment. To render punishments efficacious in the correction or prevention of crimes, they must be known to be inevitable. Offences otherwise would be indefinitely multiplied; for every offender might find advocates to plead his cause, either from interest or from motives of misplaced humanity. When the magistrate, therefore, has deliberately and conscientiously apportioned the measure of infliction to the atrocity of the guilt, or to the injury which it does to society, he ought to remain inexorable. At one of the Quarter-Sessions, a memorial was delivered to the Chairman, in behalf of a convict, who had a family and connections possessing considerable interest in the town of Manchester. When it was offered, a particular signature was pointed out, with an intimation that it must carry with it irresistible weight. "I love  
"and respect," said Mr. Bayley, with some degree of sternness and vehemence, "the person to whom you  
"refer: but it is in the ordinary intercourse of life.  
"On the bench of justice I know neither friend nor  
"enemy." His austerity of deportment on this occasion was very unreasonably censured. For though the application might not be in itself improper, yet the manner in which it was conducted implicated a charge sufficient to excite resentment, that the Chairman was subject to private influence.

But why should the Biographer assume the language of apology, when there is so little ground for reprehension, and so much for applause? The merits and eminent services of Mr. Bayley will be



recorded with honour, and long remembered with gratitude. In the general sentiment of sorrow for his death, his failings, which were only the frailties of human nature, are already forgotten.

*Manchester, July 1st, 1802.*

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EPITAPH.

To the Memory  
of  
THOMAS BUTTERWORTH BAYLEY, Esq;  
of  
Hope-Hall, in the Parish of Eccles.  
An active, intelligent, and upright Magistrate;  
Candid in examination, clear in judgment,  
Firm in decision, yet tempering  
Justice with Mercy;  
A beneficent Patron of the Poor;  
A zealous Friend, an interesting Companion;  
A hospitable Neighbour;  
A lover of his Country, and of Mankind;  
A good Master, a tender Husband,  
A kind Father,  
And a devout Christian.  
This Tablet  
Is gratefully and affectionately inscribed,  
by  
His Mourning Relict  
and  
Eleven Children.



DISSERTATIO MEDICA

INAUGURALIS

DE

F R I G O R E.

QUAM,

ANNUENTE SUMMO NUMINE,

Ex Auctoritate MAGNIFICI RECTORIS,

FRIDERICI WILHELMI PESTEL,

JURIS UTRIVSQUE DOCTORIS ET PROFESSORIS JURIS PUBLICI ET PRIVATII IN ACAD. LUGD. BAT. ORDINARIJ,

NEC NON

*Amplissimi SENATUS ACADEMICI Consensu, et Nobilissimæ  
FACULTATIS MEDICÆ Decreto,*

PRO GRADU DOCTORATUS

Summisque in MEDICINA Honoribus et Privilegiis, ritè  
ac legitimè consequendis,

*Eruditorum examini submittit*

THOMAS PERCIVAL, ANGLUS,

REG. SOCIETAT. LOND. SOCIUS.

*Ad diem vi. Julii MDCCLXV. Hora x.*

Dissolve Frigus, ligna super Foco

Large reponens. — — —

HOR. Ode IX.

Phœbe fave, novus ingreditur tua templa Sacerdos.

TIBULLUS.

VIRO ILLUSTRISSIMO,

JACOBO

COMITI DE MORTON,

NOBILISSIMI ORDINIS DIVI ANDREÆ EQUITI;

A SCOTIÆ PRO CERIBUS AD MAGNÆ BRITANNIÆ  
COMITIA ITERUM ITERUMQUE LEGATO;

REGISTRORUM ET ROTULORUM IN SCOTIA  
CUSTODI SUPREMO;

REGIÆ SOCIETATIS LONDINENSIS PRÆSIDI,

ET

MUSÆI BRITANNICI CURATORI;

GENERE ET PROAVIS  
CLARO;

DOCTRINA, INGENIO, VIRTUTIBUS  
CLARIORI;

ARTIUM ET LITERARUM HUMANARUM  
FAUTORI EXIMIO,  
JUDICI OPTIMO,

*Hasce Studiorum Primitias ea qua par est Observantia,*

D. D. D.

THOMAS PERCIVAL.





VIRO ADMODUM ERUDITO

ET

MEDICO PRÆCLARO,

NATHAN ALCOCK, M.D.

REGIÆ SOCIETATIS, ET COLLEGII MEDICORUM LOND.

SOCIO DIGNISSIMO,

NEC MINUS MORIBUS QUAM INGENIO ET

LITERIS SPECTABILI:

THOMAS PERCIVAL,

S. P. D.

*L*ICEAT, Vir Docte, Dissertatiunculam hanc, juvenemque ejus Auctorem, qui Laboris Academici Lauream modo adeptus, pari timore et diffidentia Templum Apollinis ingredi parat, præsidio tuo commendare. Omnino conscius quam arduam Provinciam suscepit, te non solum consulere, sed et auxilium tuum implorare ausus est; teque non magis posse quam velle ei prodesse persuasissimum habet.

*Nam nihil habet Fortuna tua majus quam ut possis,  
nec Natura melius quam ut velis adjuvare quam  
plurimos.*

*Perge, Vir Summe, artem Apollinæam ornare,  
Patriæ tuæ charus vivere, et propius propiusque ad  
Deos accedere Salutem Hominibus dando. Vale.*

# DISSERTATIO MEDICA

## INAUGURALIS.

DE

# FRIGORE.

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### SECTIO PRIMA.

**M**AGNA est inter Viros Doctos de natura Frigoris contentio; et adhuc etiam, an *vera* putanda sit *substantia*, vel *relatio* tantum, sub iudice lis est. Multi Philosophi in Gallia et Germania, et imprimis inter hos Celeberrimus MUSSCHENBROEK, priorem sententiam amplexi sunt. Ill. autem NEWTONUS, alique Anglicani eruditi, sibi ipsis persuasum habuerunt, Frigus nihil aliud esse quam Caloris absentiam vel diminutionem. Minimè injucundus erit labor, nec meæ Dissertationis instituto omnino alienus, hanc controversiam breviter explorare, et quædam de hac re Auctorum placita ad trutinam revocare.

Argumenta pro Frigoris naturâ substantiali, à Phænomenis aquæ glaciantis ut plurimum deducuntur.

1. In medium profertur, aquam congelatione esse expansam; hâc factâ expansione ab introitu Frigorificæ materiæ.

Hoc argumentum omnino futile et leve est. Aquæ enim glaciantis expansio, à separatione aëris in ea contenti, ut facillimè demonstrari potest, ortum suum ducit; quæ separatio, tam aperta est, ut oculis percipi possit. Bullæ enim Aëris innumeræ semper in glacie cernuntur; et certa experimenta nos docuerunt, aquam aëre privatam per coctionem, vel antliâ Pneumaticâ exhaustam, expansione valdè diminutâ glaciari.

2. Aliquid substantiale affirmatur aquam intrare uno eodemque momento quo congelatur, quod à parte quadam vasis oriri videatur.

In promptu est hoc argumentum refellere. Aquæ enim saliumque concretionis ratio par atque una est; et glaciationis phænomena eodem modo quo chrysallificationis explicanda sunt. Omne vas quandam habet inæqualitatem tum caloris tum densitatis in diversis ejus partibus; Congelatio autem à parte frigidissimâ incipit, illic fila glacialia formabuntur, et aëris bullæ ea præcedent.

3. Aqua facilius glaciatur in apertis quam in clausis vasis, in Aëre quam in Vacuo; quod fidem facit amplissimam aliquid ex aëre vas intrare; nec dubium est quin hoc, quodcumque sit, soliditate gaudeat, quum partes vasis difficulter pervadat.



Ut aciem hujus argumenti obtundamus, notandum est duo ad congelationem esse necessaria; 1. gradum quendam Frigoris; 2. separationem Aëris ex aqua. Si hæc impediatur, non facile fiet congelatio; ob eandam forsan causam qua Acidum et Alkalinum in Phialâ rectè occlusâ non effervescent.\* Congelatio etiam Aquæ compressione Aëris ad ejus superficiem impeditur. Nam *punctum Gelandi*, eodem modo quo ipse *articulus Aquæ Bullientis* variatur, omni gravitatis mutatione in Æthere incumbente. Prompto hoc experimento id potest confirmari.

## EXPERIMENTUM.

Receptâ Machinâ ad aërem condensandum constructâ, et aquâ ad dimidium impletâ; injice in eam duas vel tres aëris atmosphæras. Tunc ejus partibus applica frigoris factitii gradum infra punctum congelationis. Nulla glaciei concretio formabitur, nisi frigus sit maxime intensum; et si ita res se habeat, Machina certè frangetur. Attamen quamprimum aër aggregatus è vinculis emittitur, aqua in glaciem concrefcet.

Nec facile separatur aër, ab aquâ in vase quodam arctè inclusâ. Nam elasticitas Ætheris æquiponderat ejus gravitati. Si vero frigus valde intensum ad glaciem producendum applicetur, aqua profecto

\* Vide Experiment. Reaumur, *Mém. de l'Acad. de Sciences.*

concrefcet ; interea vas nifi firmiſſimum fit, ab impetu aëris ſe expandentis frangetur.

De difficultate Aquam glaciandi in Vacuo obſervandum eſt, Aëris præſentiam poſſe ſimili modo congelationem expedire, quo Cupri ſolutionem in Alkali Volatili adjuvat. Aër externus forſan eſt *Menſtrum* Aëris Mephitici ex cupro emiſſi.

Sed in conſeſſo eſt Aquam glaciari poſſe tum in Vacuo, tum in vaſe occluſo. Itaque ſi materies Frigoris talem habeat ſubtilitatem, qualis ad penetrandum corpus ſolidiſſimum ſufficiat ; non intelligo quomodo partes vaſis ingreſſum ejus impedire poſſint.

4. Hæc materies Frigoris natura gaudet ſalina :  
Nam ſi Phiala aquam continens in ſalium ſolutione ponatur, aqua brevi tempore concreſcet.

Idem ſal aqua miſtum, pro ſuo ſtatu aut frigus aut calorem generare poteſt. *Nitrum* ſub forma Cryſtallorum aquam refrigerat ; exuſtum autem eam calefacit. Attamen peculiareſ ejus qualitateſ mutationem hanc ſolummodo patiuntur, quod in priorẽ ſtatu aquam contineat, in poſteriore ea penitus privetur. Haud aliter ſe habent Alkalia fixa ſub efferveſcentiæ et cauſticitatiſ conditione. Eſt autem incredibile hæc ſalia ſuas impertiri qualitateſ Phialæ aquæ in eorum ſolutione immerſæ, vel ei incognitaſ quaſdam particulaſ dare. Nam ſalia in aqua ſoluta vim ei ſuppeditant congelationi diutius reſiſtendi. Facultaſ etiam Frigus generandi ſalibuſ non ſolum eſt tribuenda. Quippe Camphoræ ſolutio peritè

facta in Spiritu Vini Rectificato, quando Aëris temperies ad gradum sit 36 Thermometri FARENHEITIANI, aquam glaciabit.

5. Aqua ampullâ vitreâ contenta et ante focum posita in vase nive pleno, congelabitur simul ac Nix regelatur.

Frigus in ipso puncto solutionis productum hanc efficit congelationem; non debet itaque ad ullam impulsione frigiditatis particularum, vi Foci, in aquam referri. Unum autem est potentissimum et plane invictum experimentum, quod omnia argumenta ex congelatione deducta, ad probandam *substantialem* Frigiditatis *naturam*, omnino diruit. Si portio, unciarum videlicet quatuor, Salis Ammoniaci in unciis duodecim aquæ puræ solvatur, cum utriusque temperies ad gradum 53 supra 0 in Thermoscopio sit FARENHEITIANO, liquor in Thermometro ad gradum 33 confestim subsidet. Vas autem aqua plenum in Lixivio illo locatum ad glaciem formandam nequaquam refrigerabitur. At si eadem Salis Ammoniaci portio in aquam 50°. calidam immittatur, temperies ejus ad gradum 22. reducetur, et Phiala aquæ in hanc solutionem immersa extemplò congelabitur.\* Si autem Sal Ammoniacum particulis quibusdam suis frigorificis aquam revera congelat, tunc in omni aëris temperie, sufficiente salis copiâ adhibitâ, idem effici oportet. Sed res aliter longe evenit. Celeb. MUSSCHENBROEK negat aquam uno et eodem quidem

\* Vide Boerhavi Elem. Chem. vol. i. p. 159.

puncto Thermometri in Regionibus diversis congelari; et hoc quasi clarissimum argumentum existentiae Frigoris particularum adfert. Verum Ill. GEORGIUS MARTINUS, testimoniis certissimis et experimentis luce clarioribus, hanc retellit assertionem in Tractatu suo de Calore scripto. Punctum autem congelationis observatu tam difficile est, ut D. MUSSCHENBROEK facillime de hac re hallucinari possit. Calor enim et Frigus semel alicui insinuatâ corpori, diu ut plurimum in illo morantur. Quare aëre jam disposito ad gradum 32. in Thermometro, nondum tamen aqua congelabitur. Aqua enim quæ aëris communis gravitatem 800° et ultra superat, ex præcedenti qui pervaserat calore, diu manet tepida, postquam aër jam novam frigoris impressionem accepit. Error etiam oriri potest ab ipsa Thermometri positione. Si enim vel parieti vel alii corpori appenderis, calor insitus illis mutationem quandam instrumenti efficiet.\*

Aqua aliquando in glaciem concrefcet ex causis adventitiis et non facile explicandis. D. HOLMANN, aquam in vase clauso non congelatam invenit, licet aër et omnia corpora circumfistentia infra punctum glaciationis longè fuerint. Sed quamprimum manus suas in vesiculam imposuit, qua tectum fuit Vas, motu excitato, aqua statim concrevit. In alio vase aquam glaciabat manu suâ calidâ ex utraque parte admotâ. Hæc phænomena, particulis ullis solidis Frigoris nequaquam sunt ascribenda.

\* Vide Boerhav. Elem. Chem,

Ex supra dictis verisimillimum videtur, aquæ congelationem nullo modo arguere naturam Frigoris substantialem. Formatio glaciei ex absentia vel diminutione caloris oritur, pariter ac Metallique liquefacti paulo post fusionem concretio. Nam ut Calor particulas corporum expandit, et eas à se invicem explicat, sic privatio vel diminutio caloris easdem condensat arctiusque comprimit. In temperie aëris communi, aquæ prima elementa laxè inter se cohærent; sed Frigus, i. e. caloris privatio, imminutâ vi elasticâ *Ætheris* illius, qui omnia corpora intimè pervadit, particularum aquæ coalitionem impetuosam, secundum leges attractionis efficit, unde aër inter eas particulas positus expellitur.

De naturâ Frigoris satis disputatum; ad alteram jam partem accedamus, ubi varios ejus fontes, effectus multiplices, potentiamque validam in corpus humanum, explicabimus. Primum autem ea principia *Œconomiae Animalis* investiganda sunt, quæ homines multis mutationibus vi Frigoris obnoxios reddunt.



## SECTIO SECUNDA.

**C**ORPUS humanum in tres partes a Pathologis dividitur; nempe, *Solida Simplicia*, *Humores* vel *Fluida*, et *Solida Viva*. De his singulis separatim dicemus.

## DE SOLIDIS SIMPLICIBUS.

Multos et diversos Morbos Pathologiæ Scriptores ad *Solida Simplicia* retulerunt. Istiusmodi sunt *Craffitudo*, *Exilitas*, *Laxitas*, *Rigiditas*, *Fragilitas*, cum multis aliis. Atqui duo tantum de his Morbis, videlicet, *Rigiditas* et *Fragilitas*, vi *Frigoris* attribui possunt;\* et potentia ejus etiam in his morbis generandis omnino parva et nequaquam respicienda invenietur.

Quum autem *Frigus* materiam universam tam valide condensat, minimè mirandum est quod Medici similes ejus actioni effectus, in *Fibras* corporis simplices, tribuerint. Et quoniam *Incolæ Regionum Septentrionalium* plerumque sunt robustiores et firmitate corporis multo magis quam *Australes* pollen-

\* Ingenuè etiam agnosco *Frigus* *Exilitati* favere.

tes; hæc Hypothesis tum analogia, tum experientia confirmari videtur.

At Corporis condensatio ejusque caloris diminutio perfectè inter se congruunt; hæc autem condensatio nunquam ita evenit, ut oculis nostris percipi possit, nisi corpus ad gradum frigoris longè infra naturalem ejus temperiem sit redactum. Frigus autem corpori humano æqualiter applicatum dummodo ne morbum inferat, nequaquam minuit universalem ejus calorem; solida ergo simplicia minimè condensat.\* Cutis enimvero, et minima vascula, per superficiem corporis sparsa, parva quadam constrictione possint affici; sed cum partes internæ unam et eandem temperiem retineant, vis Frigoris ad eas certè non pervenit. Hic quoque partialis effectus ortum suum ducere possit, tam ex cutis sensibilitate, quam Fibrarum mechanica condensatione.

Quamvis Populi Hyperborei rigidiores habeant Fibras et corpora magis robusta quam Incolæ Regionum ubi soles melius nitent; hoc tamen provenire potest à causis, quæ licet connexæ, non ideo neces-

\* Illa caloris æqualitas quam corpus animale in cœli temperamenti maximè diversis retinet, admodum est mirabilis; et aliquam *Facultatem vitalem* quæ temperat inter se calorem externum et humanum, plane indicat. Celeb. D. ELLIS, Præfectus GEORGIAE, Americæ Septentrionalis Provinciæ, calorem aëris in umbra ad gradum 105 Thermometri FARENHEITIANI, istic inveniebat, cum calor ejus ipsius corporis haud excefferit gradum 97. ejusdem Thermoscopii. vid. *Phil. Transact. vol. I.*—Et amicus quidam meus, experimentis quibusdam à se ipso institutis, corpora ranarum æstivo tempore tribus gradibus aquâ ambientè frigidiora invenit.

fariè vel ex Frigore vel ex Calore pendent. Nationes *Torridæ Zonæ* ut plurimum sunt inertes et desidiosæ; et eorum cibus ex herbis recentibus potissimum constat. Dum Gentes Septentrioni subjæctæ, propter soli sterilitatem laborare coguntur; et per oblectamenta Venationis diversa ad exercitium alliciuntur. Nec possunt illi, ullo alio modo, à penetrabile frigore se ipsos defendere, quam Corporis labore. Ad hoc quoque accedat, quod carnibus maximè vescantur.

Pleræque autem hæ causæ quæ corpus roborant et constringunt, in Fibras simplices non tam validè quam in Fibras Motrices suas vires exerunt: Sed de hac re alibi tractandum est.

*Fragilitas* alius est effectus Frigori tributus. Illic morbus autem ossibus peculiaris est, quæ magis esse fragilia dicuntur summâ hyemê quam tempore æstivo. Sed hæc affirmatio nequaquam fide digna est. Ossa enim tam profundè sunt sita, et tam circumclusa in corpore animato partibus calidis, ut à Gelu quamvis maximè intenso et diuturno prorsus sint tuta. Fracturæ ossium certè in hyeme quam in æstate sæpius eveniunt; quæ tamen sat benè explicentur, a Terræ lubricitate, tensione auctâ muscutorum ad prolapsionem præcavendam, et corporum rigiditate, in quæ nosmetipsos præcipitamus.

Constat itaque Frigoris effectum in Fibras simplices parvi esse momenti. Et hæc conclusio, operationem universam medicamentorum, omnesque ferè externas causas corpus afficientes, forsan complecti potest.

## DE FLUIDIS VEL HUMORIBUS.

Frigus in Fluida variis modis potest agere. 1. Vascula constringendo, et inde auctam eorum pressionem producendo; sed hic effectus ex ejus actione in solida viva pendet. 2. <sup>an</sup>Condensationem propriam Fluidorum ipsorum efficiens<sup>it</sup>. Hæc autem condensatio omnino perexigua est; nam <sup>an</sup> aqua à gradu 212 ad 56°. Thermometri FARENHEITIANI refrigerata, non magis quam  $\frac{1}{15}$  totius ejus magnitudinis densatur.\* Quantula est autem ulla refrigeratio corporis humani ab externo Frigore, huic temperiei mutationi comparata?

At enim Frigus separationem partium Fluida componentium efficere existimetur. Qui vero hanc sententiam amplectuntur à vero longè aberrant. Ea etenim animalia quæ tempus hybernum somno alto et sine sensu peragunt, totius sanguinis stagnationem et concretionem patiuntur, sed absque ulla partium separatione. Frigus minuit perspirationem et eo modo Fluida mutare creditur. Verum facultas quâ præditum est, minima vascula per corporis superficiem sparsa constringendi, ab eorum sensibilitate et irritabilitate maximè oritur. Ideoque in hoc etiam casu agit in solida viva; et si ulla fiat mutatio in humoribus, materie obstruæ perspirationis, et minimè propriæ Frigoris actioni, ascribenda est.

\* Vid. Boerhaav. Elem. Chem. vol. i. p. 174.

## DE SOLIDIS VIVIS

Sub hoc nomine, omnes corporis partes motrici vi præditas, seu ab imperio voluntatis pendeat, seu ab actione stimuli cujuscunque generis, externi vel interni, complectimur.\* Ill. HÔ, LERUS, qui de orbe medico optimè meretur, proppa labores ejus utilissimos in Anatomia et Physiologia, summa ope nititur, duas facultates movendi, in corpore animato, distinguere. Una ab illo nuncupatur *Vis insita Musculis*, sive *Irritabilitas*; altera, *Vis Nervosa*, qua motus voluntarius perficitur. Priorem ille affirmat nequaquam pendere à sensibilitate vel vi nervosa, et propriam esse muscularibus corporis partibus. Hypothesis hæc à multis præclaris Physiologis vehementer fuit impugnata; et imprimis ab illustri et ingeniosissimo ROBERTO WHYTT, Medicinæ Professore in Alma Academia Edinensi. Sed quia omnino me abduceret ab instituto hujus Dissertationis, hanc litem pluribus prosequi; hoc tantum notabo sensibilitatem esse planè distinctam ab irritabilitate. Minime autem sequitur eas non esse nexas, vel ex se invicem non mutuò

\* *Sensibilitas* huic definitioni solidorum vivorum adjici potest. Nam quæque pars corporis humani acutâ sensibilitate prædita, quamvis ex structura sua non apta sit ad motum, tamen eâ sympathiâ quæ per totam Machinam animatam diffunditur, quosdam potest motus efficere in aliis partibus, quoties stimulo afficitur. Sic cum leniter titillatur cutis, convulsio ferè omnium musculorum corporis illicò sequitur. Nervi lacerati vel ligati sæpissimè maxillas obferant, et alias produunt affectiones spasmodicas. Sed neque cutis, nec nervi facultate movendi sunt præditi.



fluere. Nec certè evicit HALLERUS ullam partem, neque nervis neque sensu donatam, irritabilem esse.\* Locus est notatu dignus in Volumine quarto Elementorum Physiologiæ, quo HALLERUS agnoscere videtur Vim contractilem Musculorum magis ex Nervis pendere, in multis insignibus exemplis, quibus non potest animus suum imperium exercere, quam ejus Hypothesi congruit. De Nervis differens dicit: “ Adferunt ex cerebro efficacia imperia, non voluntatis, sed legum corpori animato scriptarum quæ volunt ad certos nasci motus. Musculi erectores Penis, veri illi quicunque sunt, per Nervos accipiunt eam vim, quâ Penem distendunt; eaque vis non est à voluntate, neque aut imperio animæ accersî potest, aut destrui: sed à cerebro tamen ad species lubricas et observantem animæ voluptatis imaginem nascitur. Adferunt ad cor in ira motus præcipites et palpitationes effecturos, non voluntatis jussu, sed tamen à cerebro et ab obversante animæ infestæ speciei stimulo, quô se liberari vult, quam celerrimè. Sunt ergo Nervi inter animæ officia et corporis partes internuncii, etsi in his exemplis non voluntatis dictata perferunt.”† Cum Nervi itaque in his exemplis sint instrumenta motus non voluntarii; cur non nobis liceat ex analogia inferre, eos in aliis consimilibus exemplis ita se habere? Si cor palpitacione afficiatur ex mentis pathematis, quæ nervos ad id organum missos

\* Vid. Whytt's Phys. Essays, p. 158.

† El. Phys. vol. iv. p. 516, §. III.

quodammodo perturbant ; nonne verisimile est, nervos eisdem esse causas ejus contractionis per stimulum calidi fluentis sanguinis ? Cur autem in controversiam me ipsum implicui, quam omninò evitare me magis deceret ?

Omnes fere mutationes in œconomia animali à causis cum externis tum internis oriundæ, ex sensibilitate nascuntur.\* Attamen Scriptores Pathologici adeo hanc veritatem ignoraverunt, ut penè omnes, Ill. GAUBIO excepto, omninò ferè eas facultates neglexerint. Jam inde ex quo primum cognitus est sanguinis circuitus, corpus humanum pro machina tantùm hydraulica habitum est ; et Medici, omnes ejus motus secundum Leges Mechanicas explicare conati sunt, opus profecto vanum atque ineptum aggressi. Nam variæ mutationes quæ sæpissimè occurrunt in motu cordis et arteriarum, Sympathiæ inter diversas corporis partes, et validi spasmi quí musculos à causis minimis vel etiam omnino ignotis aliquando invadunt, manifestè demonstrant corpus humanum legibus subiectum esse, prorsus alienis ab istis mechanicis, quibus materia iners subjicitur.

BOERHAAVIUS *causam proximam* morborum credit ex vitiis Fluidorum ut plurimum pendere, minimè secum reputans humores nostros omninò inertes esse, et quamlibet eorum mutationem provenire, vel è nova chemica dispositione ultimarum suarum particu-

\* Irritabilitas hic comprehendit et vim insitam musculis, et vim nervosam ; et hoc in sensu ea voce postea utemur.

larum ex fermentatione nata, vel à motibus virium vitalium corporis. Ita *Lentor Sanguinis* nequaquam causa, sed Febris et Inflammationis effectus habendus est; nam à citato impetu vasorum, qui in his morbis exstat, oritur. “Nonnunquam sanguis initio Febris  
 “acutæ, aut etiam topicæ Inflammationis missus, crusta  
 “caret, habetque eandem aut in altera, aut in tertia,  
 “aut in quarta Venæsectione.”\* Vid. DE HAEN, Rat. Med. pars I. cap. vi. pag. 54, Paris edit. Urina etiam tenuis et pellucida, à fœmina hysterica excreta, non ex sanguinis tenuitate, sed à constrictione vasculorum in renibus secernentium, provenit. Homo enim sanissimus vel metu, vel haustu parvo infusi Theæ fortis, urinam omninò consimilem reddet.

*Robur et Debilitas* à statu solidorum simplicium multo minus pendent quam Medici Mathematici agnoscere volunt. Homines Fibris laxissimis præditi, Iracundia vel Phrenitide permoti, Herculeis quasi viribus pollere videntur; dum metu vel mœrore etiam validissimi fiunt debiles et inertes. Jam vero quam incredibile, quam absurdum esset, vires in hijs exemplis auctas vel diminutas, solidorum simplicium subitæ mutationi attribuire? Effectus igitur

\* Sanguinis lentor ex vasis minutis contractis sæpe oritur. In regionibus frigidis et septentrionalibus, sanguis, ex hominibus qui optima valetudine fruuntur, eductus, et qui tempore hyberno venæsectione tanquam prophylactico utuntur, crustam pleuriticam ut plurimum induit. Hoc forsitan devenire potest ex vi frigoris eodem modo quo fasciæ agente. Experimentis enim probavit D. SIMSON, sanguinem è venæ emissum post arctam in quovis membro ligaturam, semper glutinosum fore.

illi à vi nervosa in corpus variè agente omni sine dubio nascuntur. Et Rationi prorsus consentaneum est, Vinum, Corticem Peruvianum, et alia medicamenta roborantia, in Solida Viva omninò fere vires suas exerere.

Multæ et magnæ mutationes, ex ea Sympathia, quâ præditum est corpus humanum, proveniunt. Hæc Sympathia nihil aliud esse videtur quam Irritabilitas magis extensa, et ei facultati, Idiosyncrasis quibusdam solum exceptis, ut plurimum invenitur apud respondere. Hanc autem rem liceat nobis exemplo illustrare. Capiant duo Homines, quorum unus sit robustus, alter corporis habitu mollior et debiliior, Pulveris Ipecacoanhæ drachmæ dimidium. Simili nausea et vomitione uterque afficietur; at Homo robustus in Ventriculo forsan, Diaphragmate, Musculis Abdominis et Œsophago solummodo male se habebit: alter autem ex majori sua Irritabilitate adeo premetur, ut omnes ferè corporis muscoli nervique, convulsiones per Sympathiam patiantur.

Nulla pars corporis humani, ventriculo excepto, consensum habet, tam per totum systema extensum, quam cutis, ut quotidiana nos docet experientia. Hæc autem sympathia non solum ex sensibilitate ipsi cuti insita provenit, sed à vasis etiam minimis quæ per ejus superficiem, numero ferè infinito sparguntur. In quibusdam corporis conditionibus, hæc vasa valde sunt irritabilia; et ne unum quidem constringitur, quin omnia statim, consensu, simili spasmo afficiantur. Ex hoc evenit, quod Febres, Catarrhi, Pleuritides,

Peripneumoniæ, aliique morbi multi, à Frigore externo, pro causis suis prædisponentibus, concitentur. De hac autem Frigoris vi protinus tractandum est: nunc ex quibus causis originem suam ducit breviter strictumque ostendemus.

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### SECTIO TERTIA.

#### CAUSÆ FRIGORIS QUATENUS CORPUS AFFICIUNT.

**H**Æ causæ opinionem vulgarem numero longè superant; ad sequens tamen compendium reduci possint.

1. Evaporatio tam ex Humo quam Vestibus humidis.
2. Cælum humidum.
3. Cælum chemicè siccum.
4. Aër per angustas rimas in corpus agens.
5. Frigidæ potio, corpore labore sudante.

De his diversis Frigoris causis singulatim differendum est.



## EVAPORATIO.

Tandem certissimis evincitur experimentis Fluida in Vapores conversa intensissimum Frigus gignere. Vestes itaque humidæ necessariò sunt valde periculosæ; quia frigus ab iis ortum corporis superficiem immediatè afficit. Celeb. LIND, qui optimè de Civibus suis meruit ob Tractatum ingeniosissimum de *Scorbuto*, humiditatem existimat insignem esse causam hujus morbi. Nam in Coeli tempestatibus spuma maris undosa, impetu procellæ sublata, per totam navim spargitur, et nautæ non solum de die vestibus madidis induuntur, sed etiam super stragula humida per noctes totas dormire coguntur.\* Simile oritur discrimen Corpori Terræ exhalationibus exposito. Homines qui loca demissa ac palustria accolunt, ob hanc causam Rheumatismo præcipue et Febribus Intermittentibus sæpissimè corripuntur. Hi etiam morbi frequentiores evadunt et periculosiores, si anni tempestas admodum sit calida. Rectè enim animadvertit doctissimus PRINGLE imbres crebros, tempore æstivo in terris paludosis maximè prodesse. Nam exhalationes minuunt, aquas stagnantes et corruptas refrigerant, vaporesque noxios et putridos præcipitant.† Vicinitas Sylvarum insaluberrima quoque

\* Vid. LIND on the Scurvy, p. 70.

† Diseases of the Army, p. 5, 62.

meritò existimatur. Perspiratio enim à Foliis et Ramis Arborum tam copiosa est, ut fidem omnino superaret, si non experimentis Ill. HALESI tam clarè evinceretur \* Pluvias etiam Roreque, sub expansa magis latiorique superficie, folis et aëris actioni exponunt, et hoc modo Cœli augment humiditatem. Nulla ferè Regio Europæa est, quæ magnam non subiit Cœli mutationem intra mille et octingentos annos; maximè, uti credibile est, proveniente à tota fermè excisione Nemorum, quæ hanc orbis Terrarum plagam olim cooperiebant GALLIA et GERMANIA, ætate JULII CÆSARIS, tristes et algosæ fuerunt Terræ; et in ITALIA etiam ipsa, Hyemes tam gelidæ ac nivosæ extiterunt, ut *Tiberis* aliquando innavigabilis foret. In AMERICA SEPTENTRIONALI est observatu dignum, Cælum cujusque Provinciæ mitius magisque salubrè fieri pro incolarum industria in excindendis et exurendis arboribus ibi nascentibus.† Europæi qui loca Americana primi occupaverunt, omnes ferè per malignum Endemicum morbum perierunt, qui corpora brevissimè putridâ quadam Febris specie dissolvit. Id autem imprimis accidit iis, qui loca arboribus et fruticibus obsita incolebant.‡ *Hybernia*, olim Paludibus Sylvisque referta,

\* Vid. Statical Essays.

† Ill. D. FRANKLYN, uti à Familiari quodam ejus accepi, certis suis experimentis invenit quod, in iis Provinciis ubi arbores magna ex parte excisæ sunt, flumina ex inde quoad latitudinemque longitudinemque valè minuerentur.

‡ Vid. Boerhaave Elem. Chem. vol. i. p. 620.

insaluberrima fuit. Nunc autem temporis, cum exusta sint Nemora et Paludes desiccatae, regio est amœna et in multis ejus agris homines longissimâ et sanissimâ vitâ fruuntur.\*

### DE CÆLO HUMIDO.

Aqua vel diffuso vel dissoluto statu, prout cœlum se habeat, aëri videtur inesse. Nam multis gravissimisque argumentis satis probabile redditur, quod aër sit *Menstruum* Aquæ.

1. Vis ejus dissolvens, tanquam alia menstrua, calore augetur, et frigore minuitur. Recipe Ampullam Vitream subere arctè oclusam, tantùmque humiditatis continentem, ut paululum obnubilet opaceturque internam ejus superficiem. Tum ampullâ ante focum ut calefiat posita, nebula quam includit aquosa brevi tempore dissolvetur, et vitrum omnino pellucidum fiet. Si autem vas, in aquam frigidam immergatur, vapor formabitur, et humoris guttulæ per latera ampullæ manabunt. Effectus hicce, Roris præcipitationi tempore vespertino, quando aër â solis occasu frigidior devenit, maximè consimilis est. Ambo autem salium ad saturationem solutione in aqua tepida pulcherrimè illustrantur. Prout enim aqua refrigeratur, salis portio continuò præcipitatur; calore autem integrato, iterum resolvitur.

2. Aër veluti alia menstrua pro quantitate sua agit, uti oculis manifestum est, in vi siccante ventilatorum.

\* Vid. Bryan Robinsen on the Operation of Medicines, p. 122.

Hi enim nequaquam mechanicè agunt, vellendo quasi aquæ particulas à corporibus quibus adhærescunt, neque enim ullum ventum, neque vel minimum etiam flatum excitant.

3. Aëris vis solvens, præviæ ejus saturationi respondet; et in hac quoque re cum aliis mensuris congruit. Hinc magis siccatur verno quam autumnali tempore; quod Lintei Dealbatoribus optimè notum est.

4. Aqua semper et in omnibus locis Terrarum Orbis Aëri adest. Hoc sæpè oculis ipsis per salia, caustica fixa, quæ ab igne arefacta et prorsus siccata in aëre vulgari sponte liquefcunt, manifestè exhibeatur. Nam Aër, qui intra ampullam, trium librarum fluidæ capacem, continetur, tantum aquæ tenet quantum sufficit unciam salis Tartari non solum humectare, sed etiam aliquantulum magis ingravare: Hæc autem aqua, quæ aëris gravitatem magis quam  $850^{\circ}$ . superat, maximam partem illius ponderis quod in ipsa aëris portione staticè deprehenditur, omni sine dubio facit.\* Si aër itaque omnem ferè gravitatem ex aqua in eo volitante accipit; rectè inferri potest aquam esse solubilem in aëre. Nam tempestatè diu serenâ et sensibus nostris maxime aridâ aër fit semper ponderosior, atmosphæraque gravior, ut manifestè ex Barometro apparet. Hoc autem nullo modo potest explicari, nisi aerem in eo statu plenissimè aquâ saturatum esse agnoscatur. Humiditas diffusa, gravitatem Aëtheris diminuit; quia Vapor levior est,

\* Vid. Boerhaav. El. Chem. vol. i. p. 466.

et majus occupat spatium quam aër chemicè saturatus aquâ. Estne aër, cujus vis menstrualis frigore impresso minuitur, et qui continet etiam multam humiditatem diffusam, specificè levior quam aër chemicè saturatus aquâ, magna cum copia humiditatis diffusæ conjunctâ?

Amicus meus ingeniosissimus ARTHUR LEE, M.D. sequentem credit observationem totam fere structuram Theoriæ hujus diruere: “Evaporatio Sp. Vini  
“Rectificati in Vacuo Boyleano facta, majorem  
“Frigoris gradum quam in vase aperto parit. Itaque  
“quum Frigoris generatio ex Evaporatione pendeat,  
“et quoniam in hoc exemplo evaporatio augeatur,  
“aëre interim diminuto, ritè potest inferri aërem non  
“esse menstruum Vaporis à Spiritu Vini separati.”

Pone rem ita te habere, conclusio tamen ista minimè concedenda est. Frigus enim intensius ab aucta Sp. Vini Evaporatione nequaquam provenit, sed ab aëre potius per exantlationem educto cum à fluido tum à Vase Recipiente. Nam omnibus fere notum est ipsam exinanitionem Recipientis Antriæ Pneumaticæ, Frigus valde sensibile gignere. Porro in hocce experimento, ut mihi videtur, evaporatio Sp. Vini reverà minuitur; extractio autem aëris majori copiâ sat bene explicat auctam Frigoris generationem.

Supputa\* igitur aërem posse dissolvere aquam, minime erit difficile, causam istius Frigoris explicare,

\* Sequens Experimentum, si per tempestatem anni liceret mihi id instituere, omnem ut opinor dubitationem tolleret, de Aëris facultate aquam solvendi. R. Salis Tartari perfecte caustici et ab igne



quo corpus humanum à Cœlo humido semper afficitur. Calor enim corporum nostrorum vim aëris menstrua-  
lem auget; et hoc modo Vapores Aquosi magis  
copiosè dissolvuntur, frigusque intensum hâc solu-  
tionê statim oritur. At humidum Cœlum alio  
quoque modo corpus refrigerat. Omnis enim Vapor  
diutius quam aër retinet suam temperiem; si Hyems  
itaque sæviat, vel si tempestas anni sit frigida, vapor  
hic aquosus corpori admotus necessariò id afficit  
algore. Nam calida quædam atmosphæra semper  
nos circumnambit, quæ aërem tepescit antequam cor-  
pora nostra attingat. Hæc autem humiditas non  
tam citò incalescit, et quum perpetuò et æqualiter  
applicatur, atque iterum iterumque renovatur, mi-  
nime mirandum est si corpus gravissimo frigore vi  
ejus percussum sit.

### DE CÆLO CHEMICE SICCO.

Aër potest aridus exsiccari, quando parvam aquæ  
quantitatem continet. EURUS ob hanc causam, tem-

arefacti uncias duas; injiciantur quam siccissimæ in ampullam mag-  
nam vitream. datam quantitatem Aëris communis continentem; et  
statim post salis immisionem sit vas arctissimè obturatum. Aqua  
quæ in Aëre fuit dispersa brevi tempore sal irrigabit. Omni humi-  
ditate diffusâ sic absorptâ, aqua chemice dissoluta seorsim, ni fallor,  
in Aëre remanebit. Nam Aër aquæ quam salibus ipsis causticis magis  
affinis est, uti ex hoc clarè constat, quod sal deliquesceus Aëri sicco  
expositum, suam perdit humiditatem, et formam solidam assumit.  
His omnibus rite peractis, jam minuetur vis aëris solvens, ampullam  
vehementi frigoris gradui exponendo; et si aquam ullam contineret,  
necesse est ut statim præcipitetur sub forma guttularum per latera  
vasis depluentium.

pore hyemali, ventus est in hac regione insigniter ficcus. Flante enim per frigidos montes Terrasque Europæ continentis nive opertas, tota diffusa, magna itemque pars dissolutæ ejus aquæ præcipitatur. In hoc statu nostris corporibus adhibitus, humidam istam atmosphæram, nobis circumfusam et à perspiratione ortam, exemplò dissolvit. Hæc solutio frigus haud aspernendum gignit, et quoniam perficitur quamdiu emanat Perspiratio et Ventus perflat; algor per singula temporis puncta sensim augetur, usque dum omnes ferè capillares arteriæ per superficiem corporis errantes contrahantur. Liquor vero Thermometri in aëre hoc arido minutè subsidit pro ratione nostri frigoris sensus. Homines Valetudinarii, quamvis in cubiculo et ante focum sedentes, tamen vento ab orientè excitato sensibilibiter afficiuntur; neque ullò modo potest actio ejus omnino præcaveri.

Aër ficcus in Pulmones inspiratus, Vapores aquosos Bronchiorum statim dissolvit, ibique etiam idem frigus ac in superficie corporis concitat. Ex hac causa oritur Tussis, et inflammatio membranæ mucosæ internè Pulmones investientis. Inspiratio aridi hujus aëris, alio quoque modo Pulmones inflammatione afficere potest; nempe mucum exsiccando, et inde membranam teneram Bronchiorum Frigori stimulantem exponendo. Homines qui erectâ et concitatâ voce diu publicè concionantur, simili strictioni et inflammationi obnoxii sunt.

DE AERE PER ANGUSTAS RIMAS IN CORPUS  
AGENTE.

Totum corpus minori periculo quam singulæ ejus partes aëri frigido objici potest. Nam systema universum æquabiliter constringetur, sensibilitas et irritabilitas minuentur, et hoc modo Frigus ipsum contra vim suam aliquatenus præmunit, remediumque quoddam secum adfert. Sed ubi pars tantum Corporis Frigori exponitur omnes arteriæ minimæ, sympathiâ quadam, constrictionem patientur; dum sensibilitas et irritabilitas in eodem statu sine aliqua diminutione restant. Ill. VAN SWIETENUS hæc de causa benè observavit, aërem frigidum in corpus nudatum actum per angustas rimas omnium maximè nocere.\*

DE POTIONE FRIGIDÆ CORPORE LABORE  
SUDANTE.

Plurima et tristia observata in Historia Medicinæ nobis demonstrant, multos lethales morbos, immo mortem subitam ipsam secutam fuisse, dum corpore æstuante gelidam biberent homines.† Causa autem tanti periculi à frigidæ potione fatis clarè patebit, si

\* Vid. VAN SWIET. Comm. vol. iii. §. 881.

† Vid. VAN SWIET. Comment. vol. ii. p. 214. Celsus de Medic. lib. i. cap. 3, &c.

imprimis consideretur quod Aspera Arteria, Pulmones, Septum Medium, aliæ quoque partes ipsi Gulæ vicinæ, dum liquor transit per Œsophagum, algore magnoperè afficiantur. Deinde quum in Ventriculum deferatur, suam actionem per totum corpus extendit. Viscus enim hoc maxima præditum est irritabilitate; adeo ut nullam ferè impressionem sentiat, quæ non extemplò propagetur, miro quodam consensu, ad partes etiam totius systematis maximè remotas.

Sed Ventriculus et superficies corporis sympathiâ peculiari et præ ceteris validiore inter se videntur esse nexi. Initio ipso omnium fermè Februm, Horripilatio semper adest; eodemque tempore stomachus nausea et vomitione concitatur. SYDENHAMUS, HIPPOCRATES noster Anglicanus, hanc sympathiam notavit in Peste præcipuè pollere. Ægroti violentis continuisque Vomitibus vexabantur, quos nec potiones soporiferæ, nec ulla alia Medicamenta potuerunt sedare. Nil fuit levaminis nisi ægrum ponendo in calido lecto, et eo modo sanguinis circuitum ad corporis exteriora determinando. Si frigida itaque hauriatur, corpore calescente, ventriculus gelido liquore distentur, non solum adjacenti Diaphragmati, Hepati, Lieni, &c. subitum et insolitum frigus communicabit, sed impressionem ad omnes fere partes corporis, præcipue ad ejus superficiem propagabit. Quam vero periculosi, quam lethales effectus sequi possint, multis tristissimisque exemplis satis planè demonstratur.

## SECTIO QUARTA.

1. **A**RTERIÆ capillares in corporis superficie frigore contrahuntur; et hinc si causæ prædisponentes adsint, multi et diversi morbi nascuntur.

2. Frigus, in debilibus saltem, prohibet Perspirationem: Hicce autem effectus per se spectatus, causa morborum minimè æstimandus est. Medici quidem de natura putrida Perspirabilis materiæ, et de vitiis fluidorum ab ejus retentione natis fusissimè scripserunt. Sed hic, ni fallor, in errore magno versantur. Materiæ enim transpirationis satis benè notâ, quærere vellem quænam pars ejus sanitatem corporis tantopere lædere possit? Aër, Aqua, Oleum Essentiale, et forsitan parva portio Lymphæ, Sanctorianæ exhalationis elementa propria sunt. Si aliquid etiam Volatile, corpori extraneum, viribusque nostris non subigendum, in sanguinem recipitur, sicut Alkali Volatile, Alcohol, Olea Essentia Vegetabilium, &c. per transpirationem auferetur. Sed neque hæc extranea, nec propria perspirabilis materiæ elementa, putrida sunt æstimanda. Minimè autem nego, Perspirationem in Aëre aprico brevi tempore corrumpi; perinde ac omnes fere Vapores qui Mucilaginem continent. At nequaquam ex hoc licet



nobis deducere transpirationem nostram esse putridam cum primum à corpore dissilatur. Gummi Arabici solutio dicitur Vaporem corruptioni valde obnoxium emittere.

Exhalationes à locis palustribus et uliginosis, primâ licet elevatione minimè sint putridæ, tamen ex copia mucilaginis vegetabilium quam continent, citò in aëre calido corrumpuntur.\* Perspiratio igitur in corpore sano suppressa nequaquam ut septicum humorum fermentum putanda est. Nec multum infert periculi, meâ quidem sententiâ, diminutio hujus exhalationis si aliæ morbi causæ absint: facillimè enim per Alvum, per Urinam, vel alia Organa excretoria possit exire. Gradus Perspirationis in hominibus etiam sanissimis quotidie penè variatur; adeo ut nunc ad duplicem triplicemve minuatur partem, sine ulla sanitatis injuria; deinde pro eadem ratione, nullâ faciâ ad meliorem valetudinem accessione, augetur.† Tempore hyberno exhalatio per cutem magnoperè decrescit; nullo alio effectu interim comitante nisi aucta per renes secretio.‡ Quibus Perspiratio Sanctoriana maxima ex parte supprimitur, ii hac tamen de causa in Febres Intermittentes vix fiunt procliviores.¶ Perspiratio autem et Urina, ab

\* Vid. DUHAMEL, *Phys. des Arb.* T. I. p. 144.

† Vid. Exp. Stat. D. HOME, G. RYE, LINING, ROBINSON, KEIL, &c.

‡ Vid. SENAC de Febre Intermittente.

¶ Vid. VAN SWIET. *Comment.* §. 586; et *Dissert. Med. Inaug.* Cl. JUV. ANT. FOTHERGILL.

experimentis Cl. B. ROBINSON, plane apparent inter se respondere, adeo ut unius augmentum alterius diminutionem fere semper compenſet. Senes ex cute dura et copia parva vaſorum exhalantium, paucillulum perſpirant; ſed nequaquam ea de cauſa obſervantur in morbos incidere. Inter antiquos maxime valuit mos, et hodie etiam valet inter multas Africæ Gentes, oblinendi totum corpus oleo. Hæc autem conſuetudo neque olim inferebat, neque nunc infert ullum corpori incommodum; quamvis *Africani* tam univerſè ſe ipſos perungant, ut ne unum Vaſis oſculum liberum ad exhalandum ſuperſit.\* Majores noſtri, antiqui Britanni, nullâ cum noxâ variis pigmentis nuda ſua corpora inficiebant. Et Ill. FRAN. BACONUS, patriæ ſuæ decus et ornamentum, à diminutione Perſpirationis vitæ productionem ſperavit. HALLERUS affirmat Perſpirabile ſuppreſſum non ſibi ipſi ſignum eſſe morbi. Plane apparet, à Diariis Perſpirationis, Gravedines et Catarrhos sæpe homines invaſiſſe, dum hæc excretio integra remanſit; et è contrario diminutionem Perſpirationis non ſemper hos morbos afferre.†

Contractio‡ autem minimarum arteriarum à frigore orta, multos et diverſos Morbos procul dubio excitat.

\* Vid. HALLERI Elem. Phyſ. vol. v. p. 83.

† Vid. ARBUTHNOT on Air, p. 167.

‡ Conſtitendum autem eſt, argumentis ſupra allatis minimè obſtantibus, quod omnes excretiones naturales neceſſariæ ſint perfectæ ſecuritati; quia aliquid per unamquamque è corpore ejicitur, quod non poteſt tam commode ullo alio modo diſſili. Et in multis inſuper

At non nobis licet ob brevitatem hujus Differtationis unumquemque singulatim investigare. In quatuor igitur morbis demonstrandis, qui præcipuè vi Frigoris concitantur, hoc opus infumetur. Hi sunt Febris Intermittens, Catarrhus, Diarrhœa, et Rheumatismus.

### FEBRIS INTERMITTENS.

Variae Hypotheses de causa proxima Febris Intermittentis fictæ fuerunt; et hodie etiam quæstio inter medicos vehementer agitur. Symptomata autem primi stadii Morbi, plane, ut mihi videtur, indicant Arterias Capillares per totum corpus esse constrictas. Æger expallet, ungues ejus sæpissimè sunt lividi, et cutis arida rugosaque apparet. Pulsus est debilis, parvus, celer et contractus, et si vena secatur, sanguis tardè et guttatim effluit;\* quia minor copia sanguinis tunc temporis per superficiem corporis circumfertur. Ægrotus etiam siti laborat, Lingua et Fauces sunt aridæ, Urina lurida est, vel sine ullo colore,† et si

morbi Perspiratio non solum supprimitur, sed eodem quoque tempore minime vasa renum sæpe contrahuntur; adeo ut partes sanguinis redundantes non possint urinâ abduci, et ab hac plenitudine corpus certillius male se habebit. Nihilominus autem minimè concedimus perspirationis suppressionem seorsim spectatam, causam esse proximam morborum.

\* Vid. PRYAN ROBINSON on the Operation of Med. p. 97.

† Durante primo stadio morbi, urina fit magis magisque pellucida; secundo autem ac edente, gradatim assumit rubellum colorem. Tandem vero cum tertium incipit stadium, deponit sedimentum laceritium.

Utera in ejus Corpore sint, sicca et pallida sunt: Respiratio difficillima est, et anxietas circa præcordia, cum sensu ponderis cujusdam, à distensione Vasorum magnorum prope cor oriente, fere semper percipitur.\* Omnia hæc enumerata symptomata contractionem arteriarum minimarum planè indicant. Est autem confitendum quod in primo morbi stadio alia sint symptomata, quæ causam proximam Febris Intermittentis demonstrant non solum à spasmo pendere. Nam oscitatio, languor, dolor dorsi, et sensatio quædam, haud verbis describenda, in digitorum extremitatibus, à turbata actione, ni fallor, Virium Vitalium, originem manifestè ducunt. Omnino itaque verisimile videtur, quamdam generis Nervosi affectionem, spasmodicæ Capillarium constrictioni junctam, causam hujus Morbi proximam constituere. Nimia corporis Mobilitas, vel ab acuta magis sensibilitate, vel debilitate, vel epidemica anni constitutione, vel alio quocunque modo orta, causa agnoscitur prædisponens. *Frigus*, miasma, contagium animique affectus sunt causæ remotæ. Hic autem morbus, multò frequentius à *Frigore*, quam ab ulla alia origine nascitur. Nam in locis humidis et uliginosis, sicut in Hollandia, Flandria, Paludibus Lincolnien-sibus, endemicè grassari consuevit. Sæpissimè etiam

\* In Febre Intermittente semper adest sensatio Frigoris; hæc etiam à constrictione capillarium arteriarum verisimillimè oritur. Nam omnia quæ vasa subcutanea contrahunt, uti frigus externum, cibis quem abhorret nostra natura vel ejus Idea, hanc excitant sensationem.—Vid. ИОМЕ, Princ. Med. p. 72.

à Frigore subito corpori applicato, à Ventis humidis et frigideis Aëre aquosis particulis repleto, vel Vestitu humido excitatur.

### CATARRHUS.

Hic morbus ab inflammatione membranæ mucosæ, Nares, Fauces, Asperam Arteriam, et Pulmones investientis provenit; et frigus cuique corporis parti, Faciei præcipuæ Colloque admotum, causa ejus remota fere semper habetur. Frigus autem, ex vi ejus aucta vel imminuta Corporisque sensibilitate et irritabilitate, vel Catarrhum, vel Diarrhœam, vel Febrem denique concitabit. Incolæ Regionum Australium, qui nimia Corporis mobilitate plerumque sunt præditi, parvi levique Frigoris accessione Febre corripuntur: e contrario autem in Terris Septentrionalibus, Catarrhi multo sæpius invadunt.

Hic morbus in corporibus robustis, ab inflammatione membranæ mucosæ incipit; et copiosa muci excretionem ut plurimum terminatur. Sed in hominibus laxis et debilibus, excretio primum augetur et paulo post, à stimulo muci acris, inflammatio oritur. Infarctio Pulmonum Nariumque, et humoris tenuis et aquosi destillatio, à circuitu sanguinis in his partibus adaucto, sat benè explicentur; neque ad acrimoniam fictam à suppressa perspiratione ortam, confugere opus est.



## DIARRHŒA.

Materies putrida vel Aciditates Primas Vias infestantes, Medicamenta purgantia nimis frequenter assumpta, vel alia quæcumque res Intestina ad frequentes stimulans dejectiones, Diarrhœam concitabit. Hæ autem causæ brevi tempore evanescunt, et morbus fere semper cessat, stimulo evacuato ex quo originem traxit. At quum Diarrhœa à Frigore nascitur, diuturnior est ut plurimum, et symptomata etiam graviora fiunt, adeo ut non raro in *Dysenteriam* abeat. Distensio vasorum minimorum membranæ Intestinorum interæ, atque aucta ab arteriis exhalantibus excretio, hujus morbi causa videtur esse proxima. Spasmodica capillarium contractio in corporis superficie, evacuationes magnæ, putrida materies primas vias occupans, tristes animi affectiones, &c. causæ sunt prædisponentes; et frigus causa remota ut plurimum agnoscitur.

Hæ vero causæ in firma corporis constitutione concurrentes, præsertim si bruma vel primum ver adest, dysenteriam confestim inducent. Sanguine enim, auctâ copiâ, in vasa minima intestinorum validissime impulso, vasisque summis viribus contrahentibus, dolor vehemens, eamque ob causam inflammatio quoque nascitur. Sin autem *Ægri* habitus sit debilis et laxus, vel si tempus autumnale adest, vasorum renixus omnino imbecillus erit, et copiosa muci excretio extemp.ò sequitur. Sed ab

hac etiam excretionē, diutius permanente, inflammatio certissime orietur. Ex defectu enim stagnationis in suis folliculis, mucus nimis fit acris et liquidus, adeoque ipsam membranam irritat, quam ab aliis stimulis defendere debet.

### RHEUMATISMUS.

Frigus, procatarepticam Rheumatismi causam esse, nem ferè ignorat; de proxima autem causa varias opiniones Medici amplectuntur. A contractione Vasorum partis affectæ minutorum, ut mihi videtur, oriri verisimillimum est. Omnia morbi symptomata ex hac hypothese explicatu facilia sunt. Pallor et contractio partis dolentis vasa solito minus plena esse ostendunt. Dolor, nixum quendam ad distensionem indicat, qui calore et exercitatione augetur propterea quod eo modo Arteriæ magnæ impetu agunt majori, quo impetu sanguis in Capillaria contracta fortius impellitur. Musculorum rigiditas, torporque in Membro Rheumatico, spasmodici affectus quoque signa sunt. Circulatio enim obstructa vim minuit muscularem, ut in operatione, Aneurismatis causa instituta, quum Brachii Arteria circumligatur, cernere est. Primo enim Musculi magna ex parte agere cessant, usquedum sanguis meatum novum invenerit. Dolor etiam ex una ad alteram partem corporis transiens spasmodicam systematis vascularis affectionem demonstrat. Omnino manifestum est hanc non posse

deduci ex metaſtaſi acris illius ſeri, aut materiæ ſalinæ quam nonnulli proximam Rheumatismi cauſam eſſe autumant; quoniam ſi carpus uterque viciffim afficiatur, alterius dolor non ſemper ceſſat Rheumatismo alterum adoriente. Præterea quum hæc acrimonia via ſolummodo circulationis deferri poſſit; eam per totum corpus diffuſam, peculiarem quandam partem occupare maxime mirandum foret. Hoc etiam neceſſariò tardum eſſet, ſi modò fieri poſſet, qd experientiæ repugnat; nam dolores rheumatici ſedes ſuas citiſſime ut plurimum mutant. Verùm de Rheumatismi Theoria plus ſatis diſputatum; mihi tantum incumbit, Frigus inter præcipuas morbi eſſe cauſas argumentis probare; et hoc HOFFMANNUS, SYDENHAMUS, PRINGLE, clariſſimique Scriptores Medici fatentur. Experientia quoque demonſtrat dolores Rheumaticos, tempore verno vel autumnali imprimis graſſari cum cælum maximè mutabile eſt, vel cum Venti contrarii ſibi invicem ſubito ſuccedunt.

## SECTIO QUINTA.

**V**I Frigoris in Morbis inducendis sic breviter tractatâ, exempla pauca medicinalis ejus usus ad sanitatem restituendam commemorabimus.

## GANGRÆNA.

In frigidissimis plagis frequenter evenit, ut ii quorum corpora per longum tempus gelu glacieque exposta fuerunt, omni sensibilitate et movendi facultate priventur. Gangræna primum incipit in partibus extremis, et inde ad cor sensim progreditur; et nisi remedium maturè adhibeatur, miserum cito conficiet, etiam priusquam Mortificatio fiat.\* Incolæ

\* Poëta insignis THOMSON hoc infortunium patheticè descripsit.

“ As thus the snows arise; and foul, and fierce,  
 “ All Winter drives along the darken’d air;  
 “ In his own loose-revolving fields the swain  
 “ Disaster’d stands; sees other hills ascend,  
 “ Of unknown joyless brow; and other scenes,  
 “ Of horrid prospect, shag the trackless plain:  
 “ Nor finds the river, nor the forest, hid  
 “ Beneath the formless wild; but wanders on  
 “ From hill to dale, still more and more astray.

— “ Down he sinks

“ Beneath the shelter of the shapeless drift  
 “ Thinking o’er all the bitternefs of death,

quoque harum regionum experientia docti, huic Gangrænæ, adhibitâ nive, vel aquâ adeo frigidâ ut ad congelationem prope accedat, felicissimè occurri reperierunt. Hoc enim modo pars morbida ad eum caloris gradum qui vitæ necessarius est sensim sensimque restituitur; et postea frictione, fomentis et medicamentis cardiacis internè ingestis sensibilitas movendique facultas pristinas vires recipere possunt. Ad existentiam particularum frigorificarum confugere hic non opus est; neque conjectare aquam spicula salina, quæ causa Gangrænæ fuerunt, attrahere. Efficacia Frigidæ Aquæ hinc certe oritur, quod paucis gradibus calorem superet partis cui admoventur, unde paulatim restituit quantum vitæ sufficit facultates males calorem generantes excitare, et hæc, aliis methodis supra memoratis adjunctæ, curationem perficiunt. E contrariò autem si aqua calida applicetur, rarefactio subita inde orta, Vasa tenera partis affectæ corrumpet et mortificatio citò sequetur; quemadmodum Pomum gelidum insipidum, pulposum, et putridum fit si subitò regeletur. Particulæ glaciales in aqua post immersum membrum frigore

“ Mix’d with the tender anguish Nature shoots  
 “ Through the wrung bosom of the dying man,  
 “ His wife, his children, and his friends unseen.

— “ On every nerve

“ The deadly Winter seizes; shuts up sense;  
 “ And o’er his inmost vitals creeping cold,  
 “ Lays him along the snows a stiffen’d corse!  
 “ Stretch’d out, and bleaching in the north ern blast.”

Poem on the Winter, line 276.



gangrænatum fluitantes, à communibus congelationis principiis deduci possint; quippe quod aqua ad punctum gelationis reducta illicò congelatur.

### FEBRES.

Aquæ frigidæ usus Antiquis ipsis innotuit. **GALLENUS** ejus potationem ad satietatem usque suavit. Ab **HIPPOCRATE**, **CELSE**, et **RHAZE** commendata fuit. **CELSUS** in Proœmio suo exemplum Medici adducit qui frigidam aquam Febricitanti exhibuit, eoque modo sitim levavit, somnum alium induxit, tandemque sudore morbum expulsit. **HOFFMANNUS** Heroicum et magnæ efficacæ remedium hoc in morbo nominat. Nec tamen temerè, omni tempore aut in omnibus morbi statibus adminiſtranda est. “Bibiturus itaque frigidam aquam, non ante  
“id facere potest, quam ipsa Febris, concocto  
“humore evacuationeque idonea, ad statum ac-  
“cesserit suum: jamque ipse homo maximis af-  
“fectus caloribus, summaque siti, die judicatorio,  
“summum Febricitationis impetum experitur.”\* **HOFFMANNUS** dicit: “Heic igitur monuisse sufficiat,  
“nunquam simul et semel magnis haustibus præ-  
“bendum esse frigidum potum, sed successivè et  
“crebro; nunquam in principio morbi, sed elapsis  
“jam aliquot diebus; nunquam tempore accessionis

\* Vid. **LOMMII** de Curand. Febr. cap. iii. sect. 2, p. 206.

“ vel exacerbationis vel etiam sub rigore et pulsu  
“ parvo aut intermittente; nunquam nisi plethora  
“ prius soluta. Sed quando extrema calida, pulsus  
“ equalis, celer et magnus.”\* Aqua frigida his  
cautelis administrata, maxima sæpè commoda affert.  
Spasimum enim vasorum Capillarium solvit, sudorem  
mitem ægroto commovet, Febremque omnino tollit.

### BALNEUM FRIGIDUM.

Inter leges œconomiae animalis hæc una præcipua  
esse videtur, quod toto systemate vel quavis ejus  
parte irritatione aut dolore affecto motrices facultates  
concitari debeant, ut nocivæ causæ resistent simulque  
eam repellant. Sic Caustico teneræ cuivis corporis  
parti admoto, dolor à stimulo ejus ortus, violenti-  
orem istius partis vasorum actionem statim parit, quo  
tantus humorum fluxus eo deducitur, ut acrimoniam  
Caustici diluat, ejusque vim aut minuat aut omnino  
auferat. Pulvis aut quidvis aliud Oculo illatus, eam  
lachrymarum secretionem motumque convulsivum  
Palpebræ concitat, quæ causam nocivam exprimere  
valeat. Itidem Corpore in aquam frigidam subito  
immerso, Cutis sensibilis ingrato more afficitur,  
Capillaria omnia per ejus superficiem sparsa contra-  
huntur, sanguisque in Cor et Vasa majora violenter  
impellitur. Verum post immersionem (si brevissimæ

\* HOFFMAN Med. Rar. Syst. vol. iv. p. 356.

tantum durationis fuerit) Facultates motrices ad constrictionem amovendam cientur, Cor et Arteriæ adauctis viribus contrahuntur, sanguisque ad corporis superficiem rejicitur. Sin autem æger nimis diu in gelida unda perluitur, tum vitæ vires debilitantur, spasmusque vel capillarium contractio continuata succedit. Ex observatis supra dictis felices Balnei Frigidi effectus sunt explicandi. Vim nervosam per omnes corporis partes magnoperè auget, fibras motrices exercet roboratque, unde Functiones omnes animales rectissimè perficiuntur. Innumera sunt testimonia quæ ex scriptoribus antiquis æquè ac hodiernis in laudem Balnei Frigidi adduci possint. ANTONIUS MUSA, Imperatoris AUGUSTI Medicus, usum ejus adèò commendavit, ut hoc remedium omnibus ferè Romanis familiarè effret. Et HORATIUS ait,

— “ Sane Myrteta relinqui  
 “ Dictaque cessantem Nervis elidere Morbum  
 “ Sulfura contemni, Vicus gemit; invidus Ægris  
 “ Qui Caput et Stomachum supponere fontibus audent,  
 “ Clusinis, Gabiosque petunt, et Frigida Rura.”

HOR. Ep. xv. ad VALAM.

In Ventriculo, primisque viis infirmis usus ejus ab HOFFMANNO\* maximè laudatur; CELSUSQUE in Paralyticis, Hypochondriacis, et Hystericis Morbis ad Frigidum Balneum confugere monet.† Nusquam verò quam in Rheumatismo chronici generis utilis est, quia systema firmat, irritabilitatem imminuit, et

\* Vid. Opusc. Med. Pract. p. 264.

† CELSUS, lib. iv. cap. 5.

vasorum minutorum constrictionem recludit. In multis morbis quibus obnoxii sunt Parvuli, in Rachitide præcipue, valde insignes sunt ejus effectus. Debilitas universa Solidorum Vivorum in hoc morbo imbecillitas, Periosteï et Cartilaginum vasa Materiei Ossæ deponendæ inepta reddunt. Corpore igitur roborato, vasisque ad debitum tonum Balnei frigidi ope restitutis, morbi causa omnino tolletur. Lavatio in *Aqua marina* nostros apud medicos admodum celebratur. Et quum aquæ Oceani multo sale amaro Glauberi imprægnentur, quod vim habet, exterius adhibitum validè astrictoriam, corpus sine dubio robustius reddunt. Æger etiam in marina lavatione frigori minus obnoxius est; 1°. Quia aqua salsa cutis sensibilitatem paululum hebetat. 2°. Non tamen cito ex superficie corporis evaporatur quam aqua dulcis et insulsa. 3°. Salium stimulus, quendam forsan calorem in cute possit excitare. Aqua vero fontana frigiditate salisam ut plurimum excedit, quapropter ubi actio frigoris Medicinalis solummodo requiritur, semper est anteponenda.

Tandem L. B. munus ACADEMIÆ hujus legibus mihi præscriptum absolvi, tuæque indulgentiæ conamen hoc primum trado, omni illâ sollicitudinê atque diffidentia quæ scriptorem juvenem in tali re circumstiteret solet. Si studia in quibus per multos annos versatus fui, me magis vacare sivistent, Dissertatio hæc forsan lectu dignior fuisset: Mihi autem persuasum est, nullum neque tempus neque limæ meæ laborem hoc effecturum fuisse, ut mihi omninò arridere posset.

Argumentum quod suscepi tantam habet amplitudinem totque partes complectitur, ut opus meum Epitome potius quam Tractatus Philosophicus aut Medicus videatur. Theses autem Academicæ intra limites tam arctos coërcentur, ut carptim breviterque singula perstringere coactus sim. Curriculo studiorum expleto, quum maturior ætas ingenium magis excoluerit, erit mihi et majus otium et facultas de hoc argumento differendi. Interea spero, Lectorem candidum, Errores vel sermonis vel judicii qui in hoc Tentamine observari possint, benevolè condonaturum esse.

“Sunt delicta tamen, quibus ignovisse velimus:

“Nam neque chorda sonum reddit quem vult manus ac mens;

“Nec semper fieret quodcunque minabatur arcus.

. . . . . “Non ego paucis

“Offendar maculis, quas aut incuria fudit,

“Aut humana parum cavit natura.”

HOR. Ars Poët.





# MEDICAL ETHICS;

OR, A CODE OF

*Institutes and Precepts,*

ADAPTED TO THE

PROFESSIONAL CONDUCT

OF

*PHYSICIANS AND SURGEONS:*

- |                                     |                                  |
|-------------------------------------|----------------------------------|
| I. In Hospital Practice:            | IV. In Cases which may require a |
| II. In Private or General Practice. | Knowledge of Law.                |
| III. In relation to Apothecaries.   |                                  |

To which is added,

**An Appendix;**

CONTAINING A

DISCOURSE ON HOSPITAL DUTIES;

ALSO,

*NOTES AND ILLUSTRATIONS.*

BY

THOMAS PERCIVAL, M.D.

F.R.S. AND A.S. LOND. F.R.S. AND R.M.S. EDINB. &c. &c.

NULLA ENIM VITÆ PARS, NEQUE PUBLICIS, NEQUE PRIVATIS,  
NEQUE FORENSIBUS, NEQUE DOMESTICIS IN REBUS, NEQUE  
SI TECUM AGAS QUID, NEQUE SI CUM ALTERO CONTRAHAS,  
VACARE OFFICIO POTEST: IN EOQUE COLENDO SITA VITÆ  
EST HONESTAS OMNIS, ET IN NEGLIGENDO TURPITUDO.

CIC. DE OFF. Lib. I. Cap. II.

TO

*SIR GEORGE BAKER, BART.*

PHYSICIAN TO THEIR MAJESTIES;

FELLOW OF THE ROYAL SOCIETY;

AND

LATE PRESIDENT OF THE COLLEGE OF PHYSICIANS;

&c. &c.

THIS CODE OF

*PROFESSIONAL ETHICS;*

WHICH HE HAS

HONOURED WITH HIS SANCTION,

AND IMPROVED BY HIS COMMUNICATIONS,

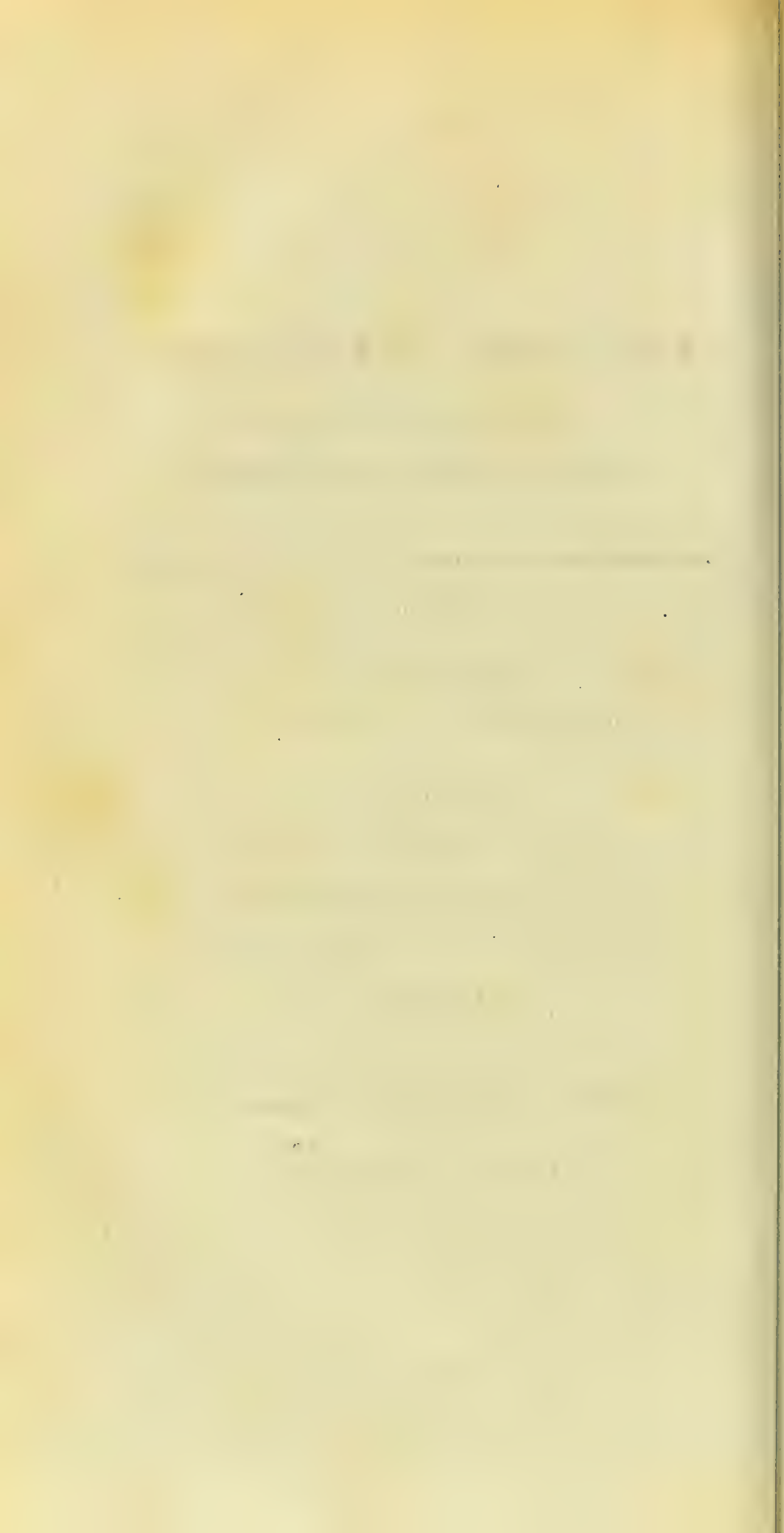
IS GRATEFULLY AND RESPECTFULLY

INSCRIBED,

BY HIS

OBLIGED AND AFFECTIONATE FRIEND,

*THE AUTHOR.*



TO

*E. C. PERCIVAL.*

PERMIT me, my dear son, to offer to your acceptance this little Manual of MEDICAL ETHICS. In the composition of it, my thoughts were directed towards your late excellent Brother, with the tenderest impulse of paternal love : and not a single moral rule was framed without a secret view to his designation; and an anxious wish that it might influence his future conduct.

To you, who possess, in no inferior degree, my esteem and attachment; who are prosecuting the same studies, and with the same object; my solitudes are naturally transferred. And I am persuaded, these united considerations will powerfully and permanently operate upon your ingenuous mind.

It is the characteristic of a wise man to act on determinate principles; and of a good man to be assured that they are conformable to rectitude and virtue. The relations in which a physician stands to his patients, to his brethren, and to the public, are complicated and multifarious; involving much knowledge of human nature, and extensive moral duties. The study of professional Ethics, therefore, cannot



fail to invigorate and enlarge the understanding; whilst the observance of the duties which they enjoin, will soften your manners, expand your affections, and form you to that propriety and dignity of conduct, which are essential to the character of a GENTLEMAN. The academical advantages you have enjoyed at Cambridge, and those you now possess in Edinburgh, will qualify you, I trust, for an ample and honourable sphere of action. And I devoutly pray, that the blessing of God may attend all your pursuits; rendering them at once subservient to your own felicity, and the good of your fellow-creatures.

Sensible that I begin to experience the pressure of advancing years, I regard the present publication as the conclusion, in this way, of my professional labours. I may, therefore, without impropriety, claim the privilege of consecrating them to you, as a paternal legacy. And I feel cordial satisfaction in the occasion, of thus testifying the esteem and tenderness with which, whilst life subsists, I shall remain,

Your affectionate friend,

THOMAS PERCIVAL.

*Manchester, Feb. 20, 1803.*

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Hospital at Manchester. I.—Distribution of printed copies of the medical ethics. II.—Situation, construction, and government of hospitals. III.—House of reception for patients ill of contagious fevers. IV.—Caution or temerity in practice. V.—Temperance of physicians. VI.—A physician should be the minister of hope and comfort to the sick.—Enquiry, how far it is justifiable to violate truth for the supposed benefit of the patient. VII.—The practice of prior physicians should be treated with candour, and justified so far as truth and probity will permit. VIII.—Theoretical discussions should be generally avoided. IX.—Regular academical education. X.—Pecuniary acknowledgments. XI.



Public worship; scepticism and infidelity. XII.—Union and consultation of senior and junior physicians. XIII.—Retirement from practice—when—Letters from Dr. Heberden; and Sir G. Baker, bart. XIV.—Partial insanity with general intelligence—Lucid interval. XV.—Duelling—Letter from Dr. Franklin. XVI.—Punishment of the crime of rape.—Disney's views of ancient laws against immorality, &c. Eden's principles of penal law. XVII.—Uncertainty in the external signs of rape—Communication from Mr. Ward. XVIII.—The smoke from large works, a nuisance—Coalbrook-Dale. XIX.—Discourse on Hospital Duties, by the Rev. T. B. Percival, LL. B.—Brief memoirs of him. XX.—The salutary connections of sickness not to be rashly dissolved.—Cautions concerning the removal of patients into an hospital.—Extracts from the Memoirs of the Rev. Newcome Cappe. XXI.—Duty of hospital trustees in electing the medical officers of the charity.—Advertisement of the governors of the Salisbury Infirmary.—Memorial to the trustees of the Manchester Infirmary. XXII.

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## P R E F A C E.

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THE first chapter of the following work was composed in the spring of 1792, at the request of the physicians and surgeons of the Manchester Infirmary : and the substance of it constitutes the code of laws, by which the practice of that comprehensive institution is now governed.\* The author was afterwards induced, by an earnest desire to promote the honour and advancement of his profession, to enlarge the plan of his undertaking, and to frame a general system of MEDICAL ETHICS ; that the official conduct and mutual intercourse of the faculty might be regulated by precise and acknowledged principles of urbanity and rectitude. Printed copies of the scheme were, therefore, distributed amongst his numerous correspondents ; by most of whom it was warmly encouraged ; and by many of them was honoured with valuable suggestions for its improvement.†

\* See Notes and Illustrations, No. I.

† See Notes and Illustrations, No. II.

Whilst the author was thus extending his views, and carrying on his work with ardour, he lost the strongest incentive to its prosecution, by the death of a beloved son, who had nearly completed the course of his academical education; and whose talents, acquirements, and virtues, promised to render him an ornament to the healing art. This melancholy event was followed, not many years afterwards, by a second family loss, equally afflictive; and the design has ever since been wholly suspended. The author now resumes it, animated by the hope that it may prove beneficial to another son, who has lately exchanged the pursuits of general science at Cambridge, for the study of medicine at Edinburgh. He feels at the same time impressed with the conviction, that the languor of sorrow becomes culpable, when it obstructs the offices of an active vocation. "I hold every man," says Lord Bacon, in the preface to his Elements of the Common Laws of England, "a debtor to his profession; from the which as  
"men of course do seek to receive countenance and  
"profit, so ought they of duty to endeavour them-  
"selves, by way of amends, to be a help and orna-  
"ment thereunto. This is performed, in some  
"degree, by the honest and liberal practice of a  
"profession; when men shall carry a respect not to  
"descend into any course that is corrupt and unwor-  
"thy thereof, and preserve themselves free from the  
"abuses wherewith the same profession is noted to  
"be infected: but much more is this performed, if

“ a man be able to visit and strengthen the roots and  
“ foundation of the science itself ; thereby not only  
“ gracing it in reputation and dignity, but also  
“ amplifying it in profession and substance.”

It was the author's original intention to have treated of the POWERS, PRIVILEGES, HONOURS, and EMOLUMENTS of the FACULTY ; but he now conceives, that this would lead him into a field of investigation too wide and digressive ; and therefore chooses to confine himself to what more strictly belongs to Medical Ethics.

To these institutes he has annexed an Anniversary Discourse, delivered by the late Rev. Thomas Bassnett Percival, LL B. before the president and governors of the Infirmary at Liverpool. As it is an address to the gentlemen of the faculty, the officers, the clergy, and the trustees of the charity, on their respective hospital duties, by one competent to the subject from his early studies, it cannot but be deemed sufficiently appropriate to the present work, exclusively of a father's claim to the privilege of its insertion.

The aphoristic form of this code of Medical Ethics, though adapted to such an undertaking, forbids, in a great measure, all digression ; and even precludes the discussion of many interesting points, nearly connected with the subject. SUPPLEMENTARY NOTES AND ILLUSTRATIONS, therefore, are necessary to the completion of the author's plan : and he trusts the candid reader will grant him the



liberty of thus stating his opinions more at large; of rectifying misconceptions, to which the brevity essential to the work may give rise; and of correcting whatever subsequent reflection, or the judicious observations of his friends, may discover to be erroneous.

A considerable portion of these sheets was communicated to the Rev. THOMAS GISBORNE, M. A. whilst engaged in the composition of his ENQUIRY into the DUTIES of MEN; a work that reflects the highest honour on the abilities and philanthropy of the author; and which may be justly regarded as the most complete system extant of PRACTICAL ETHICS. The chapter concerning physicians contains a reference to these institutes, expressed in the most gratifying terms of friendship; and it treats so largely of the duties of the faculty, as to seem, at first view, to supersede the use of the present manual. But the two publications differ not only in their plan, but in many of their leading objects; and it may be hoped they will rather illustrate than interfere with each other. The same remarks may be applied to the excellent lectures of Dr. Gregory. Even the STATUTA MORALIA of the college of physicians, whatever merit or authority they possess, are not sufficiently comprehensive for the existing sphere of medical and chirurgical duty; and by the few regulations which they establish, they tacitly sanction the recommendation of a fuller and more adequate code of professional offices.

Copies of the former unfinished impression of this work have been transmitted to the libraries of several Infirmaries, in different parts of the kingdom; and the author has reason to hope, that they have contributed to excite attention to the subject of hospital police. Amongst other pleasing proofs of this truth, he refers with peculiar satisfaction to the late publications of his friends, Sir G. O. Paul, bart. and Dr. Clark, of Newcastle-upon-Tyne.

This work was originally entitled, "MEDICAL JURISPRUDENCE;" but some correspondents of respectable judgment having objected to the term Jurisprudence, it has been changed to ETHICS. According to the definition of Justinian, however, Jurisprudence may be understood to include moral injunctions as well as positive ordinances. *Juris præcepta sunt hæc—honestè vivere, alterum non lædere, suum cuique tribuere.*—INST. JUSTIN. lib. i. p. 3.

Manchester, Feb. 15, 1803.

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— QUICQUID DIGNUM SAPIENTE BONOQUE EST.

HOR. LIB. I. EP. IV.

# MEDICAL ETHICS;

OR,

A CODE OF INSTITUTES AND PRECEPTS,

ADAPTED TO THE

*PROFESSIONAL CONDUCT*

OF

PHYSICIANS AND SURGEONS.

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## CHAPTER I.

OF PROFESSIONAL CONDUCT, RELATIVE TO HOSPITALS, OR OTHER MEDICAL CHARITIES.

I. **H**OSPITAL PHYSICIANS and SURGEONS should minister to the sick, with due impressions of the importance of their office; reflecting, that the ease, the health, and the lives of those committed to their charge depend on their skill, attention, and fidelity. They should study, also, in their deportment so to unite *tendernefs* with *steadinefs*, and *condescension* with *authority*, as to inspire the minds of their patients with gratitude, respect, and confidence.

II. The *choice* of a *physician*, or *surgeon*, cannot be allowed to hospital patients, consistently with the regular and established succession of medical attendance. Yet personal confidence is not less important to the comfort and relief of the sick poor, than of the rich under similar circumstances: and it would be equally just and humane, to enquire into and to indulge their partialities, by occasionally calling into consultation the favourite practitioner. The rectitude and wisdom of this conduct will be still more apparent, when it is recollected that patients in hospitals not unfrequently request their discharge, on a deceitful plea of having received relief; and afterwards procure another recommendation, that they may be admitted under the physician or surgeon of their choice. Such practices involve in them a degree of falsehood; produce unnecessary trouble; and may be the occasion of irreparable loss of time in the treatment of diseases.

III. The *feelings* and *emotions* of the patients, under critical circumstances, require to be known and to be attended to, no less than the symptoms of their diseases. Thus extreme *timidity* with respect to venæsection contra-indicates its use in certain cases and constitutions. Even the *prejudices* of the sick are not to be contemned, or opposed with harshness: for though silenced by authority, they will operate secretly and forcibly on the mind, creating fear, anxiety, and watchfulness.

IV. As misapprehension may magnify real evils, or create imaginary ones, no *discussion* concerning the



nature of the case should be entered into before the patients, either with the house surgeon, the pupils of the hospitals, or any medical visitor.

V. In the large wards of an Infirmary, the patients should be interrogated concerning their complaints in a *tone of voice* which cannot be *overheard*. *Secrecy*, also, when required by peculiar circumstances, should be strictly observed. And females should always be treated with the most scrupulous *delicacy*. To neglect or to sport with their feelings is cruelty; and every wound thus inflicted tends to produce a callousness of mind, a contempt of decorum, and an insensibility to modesty and virtue. Let these considerations be forcibly and repeatedly urged on the hospital pupils.

VI. The *moral* and *religious influence* of sickness is so favourable to the best interests of men and of society, that it is justly regarded as an important object in the establishment of every hospital. The *institutions* for promoting it should, therefore, be encouraged by the physicians and surgeons, whenever seasonable opportunities occur: and by pointing out these to the officiating clergyman, the sacred offices will be performed with propriety, discrimination, and greater certainty of success. The character of a physician is usually remote either from superstition or enthusiasm: and the aid which he is now exhorted to give, will tend to their exclusion from the sick wards of the hospital, where their effects have often been known to be not only baneful, but even fatal.

VII. It is one of the circumstances which softens the lot of the poor, that they are exempt from the solitudes attendant on the disposal of property. Yet there are exceptions to this observation : and it may be necessary that an hospital patient, on the bed of sickness and death, should be reminded, by some friendly monitor, of the importance of a *last will and testament* to his wife, children, or relatives, who, otherwise, might be deprived of his effects, of his expected prize money, or of some future residuary legacy. This kind office will be best performed by the house surgeon, whose frequent attendance on the sick diminishes their reserve, and entitles him to their familiar confidence. And he will doubtless regard the performance of it as a duty: for whatever is right to be done, and cannot by another be so well done, has the full force of moral and personal obligation.

VIII. The physicians and surgeons should not suffer themselves to be restrained, by parsimonious considerations, from prescribing *wine*, and *drugs* even of *high price*, when required in diseases of extraordinary malignity and danger. The efficacy of every medicine is proportionate to its purity and goodness; and on the degree of these properties, *cæteris paribus*, both the cure of the sick, and the speediness of its accomplishment, must depend. But when drugs of inferior quality are employed, it is requisite to administer them in larger doses, and to continue the use of them a longer period of time; circumstances, which, probably, more than counterbalance any savings in

their original price. If the case, however, were far otherwise, no œconomy, of a fatal tendency, ought to be admitted into institutions, founded on principles of the purest beneficence, and which, in this age and country, when well conducted, can never want contributions adequate to their liberal support.

IX. The medical gentlemen of every charitable institution are, in some degree, responsible for, and the guardians of, the honour of each other. No physician or surgeon, therefore, should *reveal* occurrences in the hospital, which may injure the reputation of any one of his colleagues; except under the restriction contained in the succeeding article.

X. No *professional charge* should be made by a physician or surgeon, either publicly or privately, against any associate, without previously laying the complaint before the gentlemen of the faculty belonging to the institution, that they may judge concerning the reasonableness of its grounds, and the measures to be adopted.

XI. A proper *discrimination* being established in all hospitals between the *medical* and *chirurgical cases*, it should be faithfully adhered to by the physicians and surgeons, on the admission of patients.

XII. Whenever cases occur, attended with circumstances not heretofore observed, or in which the ordinary modes of practice have been attempted without success, it is for the public good, and in an especial degree advantageous to the poor, (who, being the most numerous class of society, are the greatest

beneficiaries of the healing art,) that *new remedies* and *new methods* of *chirurgical treatment* should be devised. But in the accomplishment of this salutary purpose, the gentlemen of the faculty should be scrupulously and conscientiously governed by sound reason, just analogy, or well-authenticated facts. And no such trials should be instituted, without a previous consultation of the physicians or surgeons, according to the nature of the case.

XIII. To advance professional improvement, a friendly and unreserved *intercourse* should subsist between the gentlemen of the faculty, with a free communication of whatever is extraordinary or interesting in the course of their hospital practice; and an *account* of every *case* or *operation*, which is rare, curious, or instructive, should be drawn up by the physician or surgeon, to whose charge it devolves, and entered in a register kept for the purpose, but open only to the physicians and surgeons of the charity.

XIV. *Hospital registers* usually contain only a simple report of the number of patients admitted and discharged. By adopting a more comprehensive plan, they might be rendered subservient to medical science, and beneficial to mankind. The following sketch is offered, with deference, to the gentlemen of the faculty. Let the register consist of three tables; the first specifying the number of patients admitted, cured, relieved, discharged, or dead; the second, the several diseases of the patients, with their events; the third, the sexes, ages, and occupations of the ap-



tients. The ages should be reduced into classes; and the tables adapted to the four divisions of the year. By such an institution, the increase or decrease of sickness; the attack, progress, and cessation of epidemics; the comparative healthiness of different situations, climates, and seasons; the influence of particular trades and manufactures on health and life; with many other curious circumstances, not more interesting to physicians than to the community; would be ascertained with sufficient precision.

XV. By the adoption of the *register*, recommended in the foregoing article, physicians and surgeons would obtain a clearer insight into the comparative success of their hospital and private practice, and would be incited to a diligent investigation of the causes of such difference. In particular diseases it will be found to subsist in a very remarkable degree: and the discretionary power of the physician or surgeon, in the admission of patients, could not be exerted with more justice or humanity, than in refusing to consign to lingering suffering, and almost certain death, a numerous class of patients, inadvertently recommended as objects of these charitable institutions. “In judging of diseases with regard to the propriety of their reception into hospitals,” says an excellent writer, “the following general circumstances are to be considered:—

“Whether they be capable of speedy relief; because, as it is the intention of charity to relieve as great a number as possible, a quick change of ob-



jects is to be wished; and also because the inbred  
 "disease of hospitals will almost inevitably creep, in  
 "some degree, upon one who continues a long time  
 "in them, but will rarely attack one, whose stay is  
 "short.

"Whether they require in a particular manner  
 "the superintendence of skilful persons, either on ac-  
 "count of their acute and dangerous nature, or any  
 "singularity or intricacy attending them, or erro-  
 "neous opinions prevailing among the common  
 "people concerning their treatment.

"Whether they be contagious, or subject in a pe-  
 "culiar degree to taint the air, and generate pesti-  
 "lential diseases.

"Whether a fresh and pure air be peculiarly re-  
 "quisite for their cure, and they be remarkably in-  
 "jured by any vitiation of it."\*

XVI. But no precautions relative to the reception of patients, who labour under maladies incapable of relief, contagious in their nature, or liable to be aggravated by confinement in an impure atmosphere, can obviate the evils arising from *close wards*, and the false œconomy of crowding a number of persons into the least possible space. There are inbred diseases which it is the duty of the physician or surgeon to prevent, as far as lies in his power, by a strict and persevering attention to the whole medical polity of the hospital. This comprehends the discrimination

\* See Dr. Aikin's *Thoughts on Hospitals*, p. 21.

of cases admissible, air, diet, cleanliness, and drugs; each of which articles should be subjected to a rigid scrutiny, at stated periods of time.†

XVII. The establishment of a *committee* of the *gentlemen* of the *faculty*, to be held monthly, would tend to facilitate this interesting investigation, and to accomplish the most important objects of it. By the free communication of remarks, various improvements would be suggested; by the regular discussion of them, they would be reduced to a definite and consistent form; and by the authority of united suffrages, they would have full influence over the governors of the charity. The exertions of individuals, however benevolent or judicious, often give rise to jealousy; are opposed by those who have not been consulted; and prove inefficient, by wanting the collective energy of numbers.

XVIII. The harmonious intercourse which has been recommended to the gentlemen of the faculty, will naturally produce *frequent consultations*, viz. of the physicians on medical cases, of the surgeons on surgical cases, and of both united in cases of a compound nature, which, falling under the department of each, may admit of elucidation by the reciprocal aid of the two professions.

XIX. In consultations on medical cases, the junior physician present should *deliver* his *opinion* first, and the others in the progressive order of their seniority. The same order should be observed in surgical

† See Notes and Illustrations, No. III.

cases; and a majority should be decisive in both: but if the numbers be equal, the decision should rest with the physician or surgeon, under whose care the patient is placed. No decision, however, should restrain the acting practitioner from making such variations in the mode of treatment, as future contingences may require, or a farther insight into the nature of the disorder may shew to be expedient.

XX. In consultations on mixed cases, the junior surgeon should *deliver* his *opinion* first, and his brethren afterwards in succession, according to progressive seniority. The junior physician present should deliver his opinion after the senior surgeon; and the other physicians in the order above prescribed.

XXI. In every consultation, the case to be considered should be *concisely stated* by the physician or surgeon, who requests the aid of his brethren. The opinions relative to it should be delivered with brevity, agreeably to the preceding arrangement, and the decisions collected in the same order. The order of seniority, among the physicians and surgeons, may be regulated by the dates of their respective appointments in the hospital.

XXII. Due *notice* should be given of a consultation, and no person admitted to it, except the physicians and surgeons of the hospital, and the house-surgeon, without the unanimous consent of the gentlemen present. If an examination of the patient be previously necessary, the particular circumstances of danger or difficulty should be carefully

concealed from him, and every just precaution used to guard him from anxiety or alarm.

XXIII. No important *operation* should be determined upon, without a consultation of the physicians and surgeons, and the acquiescence of a majority of them. Twenty-four hours notice should be given of the proposed operation, except in dangerous accidents, or when peculiar circumstances occur, which may render delay hazardous. The presence of a *spectator* should not be allowed during an operation, without the express permission of the operator. All extra-official interference in the management of it should be forbidden. A decorous *silence* ought to be observed. It may be humane and salutary, however, for one of the attending physicians or surgeons to speak occasionally to the patient; to comfort him under his sufferings; and to give him assurance, if consistent with truth, that the operation goes on well, and promises a speedy and successful termination.\*

As a hospital is the best school for practical surgery, it would be liberal and beneficial to invite, in rotation, two surgeons of the town, who do not belong to the institution, to be present at each operation.

XXIV. Hospital consultations ought not to be held on Sundays, except in cases of urgent necessity;

\* The substance of the five preceding articles (xix. xx. xxi. xxii. xxiii.) was suggested by Dr. Ferriar and Mr. Simmons, at the time when I was desired, by them and my other colleagues, to frame a code of rules for the Manchester Infirmary. The additions now made are intended to adapt them to general use.



and on such occasions an hour should be appointed, which does not interfere with attendance on public worship.

XXV. It is an established usage, in some hospitals, to have a *stated day* in the week for the performance of operations. But this may occasion improper delay, or equally unjustifiable anticipation. When several operations are to take place in succession, one patient should not have his mind agitated by the knowledge of the sufferings of another. The surgeon should change his apron, when besmeared; and the table or instruments should be freed from all marks of blood, and every thing that may excite terror.

XXVI. DISPENSARIES afford the widest sphere for the treatment of diseases, comprehending not only such as ordinarily occur, but those which are so infectious, malignant, and fatal, as to be excluded from admission into Infirmarys. Happily, also, they neither tend to counteract that spirit of independence, which should be sedulously fostered in the poor, nor to preclude the practical exercise of those relative duties, “the charities of father, son, and brother,” which constitute the strongest moral bonds of society. Being institutions less splendid and expensive than hospitals, they are well adapted to towns of moderate size; and might even be established, without difficulty, in populous country districts. Physicians and surgeons, in such situations, have generally great influence; and it would be truly honourable to exert



it in a cause subservient to the interests of medical science, of commerce, and of philanthropy.\*

The duties which devolve on gentlemen of the faculty, engaged in the conduct of Dispensaries, are so nearly similar to those of hospital physicians and surgeons, as to be comprehended under the same professional and moral rules. But greater *authority* and greater *condescension* will be found requisite in domestic attendance on the poor. And human nature must be intimately studied, to acquire that full ascendancy over the prejudices, the caprices, and the passions of the sick, and of their relatives, which is essential to medical success.

XXVII. Hospitals, appropriated to particular maladies, are established in different places, and claim both the patronage and the aid of the gentlemen of the faculty. To an ASYLUM for FEMALE PATIENTS, labouring under SYPHILIS, it is to be lamented that discouragements have been too often and successfully opposed. Yet whoever reflects on the variety of diseases to which the human body is incident, will find, that a considerable part of them are derived from immoderate passions, and vicious indulgences. Sloth, intemperance, and irregular desires, are the great sources of those evils, which contract the duration, and embitter the enjoyment, of life. But humanity, whilst she bewails the vices of mankind, incites us to alleviate the miseries which flow from them. And it may be proved that a

\* See Notes and Illustrations, &c. IV.

LOCK HOSPITAL is an institution founded on the most benevolent principles, consonant to sound policy, and favourable to reformation and to virtue. It provides relief for a painful and loathsome distemper, which contaminates, in its progress, the innocent as well as the guilty, and extends its baneful influence to future generations. It restores to virtue and to religion those votaries whom pleasure has seduced, or villainy has betrayed; and who now feel, by sad experience, that ruin, misery, and disgrace, *are the wages of sin*. Over such objects pity sheds the generous tear; austerity softens into forgiveness; and benevolence expands at the united pleas of frailty, penitence, and wretchedness.\*

No *peculiar rules* of conduct are requisite in the medical attendance on LOCK HOSPITALS. But as these institutions must, from the nature of their object, be in a great measure shut from the inspection of the public, it will behove the faculty to consider themselves as responsible, in an extraordinary degree, for their right government; that the moral, no less than the medical, purposes of such establishments may be fully answered. The strictest decorum should be observed in the conduct towards the female patients; no young pupils should be admitted into the house; every ministering office should be performed by nurses pro-

\* See two Reports, intended to promote the establishment of a Lock Hospital at Manchester, in the year 1774, inserted in the Author's *Essays Medical, Philosophical, and Experimental*. Vol. ii. p. 263, 4th edit.

perly instructed; and books adapted to the moral improvement of the patients should be put into their hands, and given them on their discharge. To provide against the danger of urgent want, a small sum of money, and decent clothes, should at this time be dispensed to them; and when practicable, some mode should be pointed out of obtaining a reputable livelihood.

XXVIII. -ASYLUMS for INSANITY possess accommodations and advantages, of which the poor must, in all circumstances, be destitute; and which no private family, however opulent, can provide. Of these schemes of benevolence all classes of men may have equal occasion to participate the benefits; for human nature itself becomes the mournful object of such institutions. Other diseases leave man a rational and moral agent, and sometimes improve both the faculties of the head, and the affections of the heart. But lunacy subverts the whole rational and moral character; extinguishes every tender charity; and excludes the degraded sufferer from all the enjoyments and advantages of social intercourse. Painful is the office of a physician, when he is called upon to minister to such humiliating objects of distress: yet great must be his felicity, when he can render himself instrumental, under Providence, in the restoration of reason, and in the renewal of the lost image of God. Let no one, however, promise himself this divine privilege, if he be not deeply skilled in the philosophy of human nature. For though casual success may

sometimes be the result of empirical practice, the *medicina mentis* can only be administered with steady efficacy by him, who, to a knowledge of the animal œconomy, and of the physical causes which regulate or disturb its movements, unites an intimate acquaintance with the laws of association ; the controul of fancy over judgment ; the force of habit ; the direction and comparative strength of opposite passions ; and the reciprocal dependences and relations of the moral and intellectual powers of man.

XXIX. Even thus qualified with the pre-requisite attainments, the physician will find that he has a new region of medical science to explore. For it is a circumstance to be regretted, both by the faculty and the public, that the various diseases which are classed under the title of insanity, remain less understood than any others with which mankind are visited. Hospital institutions furnish the best means of acquiring more accurate knowledge of their causes, nature, and cure. But this information cannot be attained, to any satisfactory extent, by the ordinary attention to single and unconnected cases. The synthetic plan should be adopted ; and a regular *journal* should be kept of every species of the malady which occurs, arranged under proper heads, with a full detail of its rise, progress, and termination ; of the remedies administered, and of their effects in its several stages. The age, sex, occupation, mode of life, and (if possible) hereditary constitution of each patient should be noted ; and when the event proves fatal, the brain,



and other organs affected, should be carefully examined, and the appearances on dissection minutely inserted in the journal. A register like this, in the course of a few years, would afford the most interesting and authentic documents; the want of which, on a late melancholy occasion, was felt and regretted by the whole kingdom.

XXX. Lunatics are, in a great measure, secluded from the observation of those who are interested in their good treatment; and their complaints of ill-usage are so often false or fanciful, as to obtain little credit or attention, even when well founded. The physician, therefore, must feel himself under the strictest obligation of honour, as well as of humanity, to secure to these unhappy sufferers all the *tendernefs* and *indulgence*, compatible with steady and effectual government.

XXXI. Certain cases of *mania* seem to require a *boldness of practice*, which a young physician of sensibility may feel a reluctance to adopt. On such occasions he must not yield to timidity, but fortify his mind by the councils of his more experienced brethren of the faculty. Yet, with this aid, it is more consonant to probity to err on the side of caution than of temerity.\*

Hospitals for the small-pox, for inoculation, for cancers, &c. &c. are established in different places; but require no professional duties, which are not included under, or deducible from, the precepts already delivered.

\* See Notes and Illustrations, No. V.



## CHAPTER II.

OF PROFESSIONAL CONDUCT IN PRIVATE, OR  
GENERAL PRACTICE.

I. THE *moral rules of conduct*, prescribed towards hospital patients, should be fully adopted in private or general practice. Every case, committed to the charge of a physician or surgeon, should be treated with attention, steadiness, and humanity: reasonable indulgence should be granted to the mental imbecility and caprices of the sick: secrecy, and delicacy when required by peculiar circumstances, should be strictly observed. And the familiar and confidential intercourse, to which the faculty are admitted in their professional visits, should be used with discretion, and with the most scrupulous regard to fidelity and honour.

II. The strictest *temperance* should be deemed incumbent on the faculty; as the practice both of physic and surgery at all times requires the exercise of a clear and vigorous understanding: and on emergencies, for which no professional man should be unprepared, a steady hand, an acute eye, and an unclouded head, may be essential to the well-being, and even to the life, of a fellow-creature. Philip of Macedon reposed

with entire security on the vigilance and attention of his general *Parmenio*. In his hours of mirth and conviviality he was wont to say, "Let us drink, my friends; we may do it with safety, for *Parmenio* never drinks!" The moral of this story is sufficiently obvious when applied to the faculty; but it should certainly be construed with great limitation by their patients.\*

III. A physician should not be forward to make gloomy prognostications; because they favour of empiricism, by magnifying the importance of his services in the treatment or cure of the disease. But he should not fail, on proper occasions, to give to the friends of the patient timely notice of danger, when it really occurs, and even to the patient himself, if absolutely necessary. This office, however, is so peculiarly alarming, when executed by him, that it ought to be declined, whenever it can be assigned to any other person of sufficient judgment and delicacy. For the physician should be the minister of hope and comfort to the sick; that by such cordials to the drooping spirit, he may smooth the bed of death, revive expiring life, and counteract the depressing influence of those maladies, which rob the philosopher of fortitude, and the Christian of consolation.†

IV. *Officious interference*, in a case under the charge of another, should be carefully avoided. No med-

\* See Notes and Illustrations, No. VI.

† See Notes and Illustrations, No. VII.

dling inquiries should be made concerning the patient; no unnecessary hints given, relative to the nature or treatment of his disorder; nor any selfish conduct pursued, that may directly or indirectly tend to diminish the trust reposed in the physician or surgeon employed. Yet though the character of a professional busy-body, whether from thoughtlessness or craft, is highly reprehensible, there are occasions which not only justify but require a spirited interposition. When artful ignorance grossly imposes on credulity; when neglect puts to hazard an important life; or rashness threatens it with still more imminent danger; a medical neighbour, friend, or relative, apprized of such facts, will justly regard his interference as a duty. But he ought to be careful, that the information, on which he acts, is well founded; that his motives are pure and honourable; and that his judgment of the measures pursued is built on experience and practical knowledge, not on speculative or theoretical differences of opinion. The particular circumstances of the case will suggest the most proper mode of conduct. In general, however, a personal and confidential application to the gentlemen of the faculty concerned should be the first step taken; and afterwards, if necessary, the transaction may be communicated to the patient or to his family.

V. When a physician or surgeon is called to a patient, who has been before under the care of another gentleman of the faculty, a consultation with him should be proposed, even though he may have

discontinued his visits: his practice, also, should be treated with candour, and justified, so far as probity and truth will permit. For the want of success in the primary treatment of a case is no impeachment of professional skill or knowledge; and it often serves to throw light on the nature of a disease, and to suggest to the subsequent practitioner more appropriate means of relief.\*

VI. In large and opulent towns, the *distinction* between the *provinces* of *physic* and *surgery* should be steadily maintained. This distinction is sanctioned both by reason and experience. It is founded on the nature and objects of the two professions; on the education and acquirements requisite for their most beneficial and honourable exercise; and tends to promote the complete cultivation and advancement of each. For the division of skill and labour is no less advantageous in the liberal than in the mechanic arts: and both physic and surgery are so comprehensive, and yet so far from perfection, as separately to give full scope to the industry and genius of their respective professors. Experience has fully evinced the benefits of the discrimination recommended, which is established in every well-regulated hospital; and is thus expressly authorized by the faculty themselves, and by those who have the best opportunities of judging of the proper application of the healing art. No physician or surgeon, therefore, should adopt

\* See Notes and Illustrations, No. VIII.



more than one denomination, or assume any rank or privileges different from those of his order.

VII. *Consultations* should be *promoted*, in difficult or protracted cases, as they give rise to confidence, energy, and more enlarged views in practice. On such occasions no rivalry or jealousy should be indulged: candour, probity, and all due respect should be exercised towards the physician or surgeon first engaged: and as he may be presumed to be best acquainted with the patient and with his family, he should deliver all the medical directions agreed upon, though he may not have precedency in seniority or rank. It should be the province, however, of the senior physician, first to propose the necessary questions to the sick, but without excluding his associate from the privilege of making farther enquiries, to satisfy himself, or to elucidate the case.

VIII. As circumstances sometimes occur to render a *special consultation* desirable, when the continued attendance of another physician or surgeon might be objectionable to the patient, the gentleman of the faculty, whose assistance is required, in such cases, should pay only two or three visits; and sedulously guard against all future unsolicited interference. For this consultation a double gratuity may reasonably be expected from the patient, as it will be found to require an extraordinary portion both of time and attention.

In medical practice, it is not an unfrequent occurrence, that a physician is hastily summoned, through the anxiety of the family, or the solicitation of friends,



to visit a patient, who is under the regular direction of another physician, to whom notice of this call has not been given. Under such circumstances, no change in the treatment of the sick person should be made, till a previous consultation with the stated physician has taken place, unless the lateness of the hour precludes meeting, or the symptoms of the case are too pressing to admit of delay.

IX. *Theoretical discussions* should be avoided in consultations, as occasioning perplexity and loss of time. For there may be much diversity of opinion, concerning speculative points, with perfect agreement in those modes of practice, which are founded not on hypothesis, but on experience and observation.\*

X. The rules prescribed for hospital consultations may be adopted in private or general practice :† and the *seniority* of a physician may be determined by the period of his public and acknowledged practice as a physician, and that of a surgeon by the period of his practice as a surgeon, in the place where each resides. This arrangement, being clear and obvious, is adapted to remove all grounds of dispute amongst medical gentlemen, and it secures the regular continuance of the order of precedency, established in every town, which might otherwise be liable to troublesome interruptions by new settlers, perhaps not long stationnary.

\* See Notes and Illustrations, No. IX.

† See Articles xix. xx. xxi. chap. 1.

XI. A regular *academical education* furnishes the only presumptive evidence of professional ability, and is so honourable and beneficial, that it gives a just claim to pre-eminence among physicians, in proportion to the degree in which it has been enjoyed and improved: yet as it is not indispensably necessary to the attainment of knowledge, skill, and experience, they who have really acquired, in a competent measure, such qualifications, without its advantages, should not be fastidiously excluded from the privileges of fellowship. In consultations, especially, as the good of the patient is the sole object in view, and is often dependent on personal confidence, the aid of an intelligent practitioner ought to be received with candour and politeness, and his advice adopted, if agreeable to sound judgment and truth.\*

XII. *Punctuality* should be observed in the visits of the faculty, when they are to hold consultation together. But as this may not always be practicable, the physician or surgeon, who first arrives at the place of appointment, should wait five minutes for his associate, before his introduction to the patient, that the unnecessary repetition of questions may be avoided: no visits should be made but in concert, or by mutual agreement: no statement or discussion of the case should take place before the patient or his friends, except in the presence of each of the attending gentlemen of the faculty, and by common consent: and

\* See Notes and Illustrations, No. X.

no *prognostications* should be delivered, which are not the result of previous deliberation and concurrence.

XIII. *Visits* to the sick should not be *unseasonably repeated*; because, when too frequent, they tend to diminish the authority of the physician, to produce instability in his practice, and to give rise to such occasional indulgences, as are subversive of all medical regimen.

Sir William Temple has asserted, that “an honest physician is excused for leaving his patient, when he finds the disease growing desperate, and can, by his attendance, expect only to receive his fees, without any hopes or appearance of deserving them.” But this allegation is not well founded: for the offices of a physician may continue to be highly useful to the patient, and comforting to the relatives around him, even in the last period of a fatal malady; by obviating despair, by alleviating pain, and by soothing mental anguish. To decline attendance, under such circumstances, would be sacrificing, to fanciful delicacy and mistaken liberality, that moral duty which is independent of, and far superior to, all pecuniary appreciation.

XIV. Whenever a physician or surgeon *officiates* for another, who is sick or absent, during any considerable length of time, he should receive the fees accruing from such additional practice: but if this fraternal act be of short duration, it should be gratuitously performed; with an observance always of the utmost delicacy towards the interest and character

of the professional gentleman previously connected with the family.

XV. Some general rules should be adopted by the faculty, in every town, relative to the *pecuniary acknowledgments* of their patients; and it should be deemed a point of honour to adhere to this rule, with as much steadiness as varying circumstances will admit. For it is obvious that an average fee, as suited to the general rank of patients, must be an inadequate gratuity from the rich, who often require attendance not absolutely necessary; and yet too large to be expected from that class of citizens, who would feel a reluctance in calling for assistance, without making some decent and satisfactory retribution.

But in the consideration of fees, let it ever be remembered, that though mean ones from the affluent are both unjust and degrading, yet the characteristic beneficence of the profession is inconsistent with sordid views, and avaricious rapacity. To a young physician, it is of great importance to have clear and definite ideas of the ends of his profession; of the means for their attainment; and of the comparative value and dignity of each. Wealth, rank, and independence, with all the benefits resulting from them, are the ends which he holds in view; and they are interesting, wise, and laudable. But knowledge, benevolence, and active virtue, the means to be adopted in their acquisition, are of still higher estimation. And he has the privilege and felicity of practising an art, even more intrinsically excellent in its mediate than in its



ultimate objects. The former, therefore, have a claim to uniform pre-eminence.\*

XVI. All members of the profession, including apothecaries as well as physicians and surgeons, together with their wives and children, should be attended *gratuitously* by any one or more of the faculty, residing near them, whose assistance may be required. For as solicitude obscures the judgment, and is accompanied with timidity and irresolution, medical men, under the pressure of sickness, either as affecting themselves or their families, are peculiarly dependent upon each other. But visits should not be obtruded officiously; as such unasked civility may give rise to embarrassment, or interfere with that choice, on which confidence depends. Distant members of the faculty, when they request attendance, should be expected to defray the charges of travelling. And if their circumstances be affluent, a pecuniary acknowledgment should not be declined: for no obligation ought to be imposed, which the party would rather compensate than contract.

XVII. When a physician attends the wife or child of a member of the faculty, or any person very nearly connected with him, he should manifest peculiar attention to his opinions, and tenderness even to his prejudices. For the dear and important interests which the one has at stake, supersede every consideration of rank or seniority in the other; since the mind

\* See Notes and Illustrations, No. XI.



of a husband, a father, or a friend, may receive a deep and lasting wound, if the disease terminate fatally, from the adoption of means he could not approve, or the rejection of those he wished to be tried. Under such delicate circumstances, however, a conscientious physician will not lightly sacrifice his judgment; but will urge, with proper confidence, the measures he deems to be expedient, before he leaves the final decision concerning them to his more responsible coadjutor.

XVIII. Clergymen who experience the *res angusta domi*, should be visited gratuitously by the faculty: and this exemption should be an acknowledged general rule, that the feeling of individual obligation may be rendered less oppressive. But such of the clergy as are qualified, either from their stipends or fortunes, to make a reasonable remuneration for medical attendance, are not more privileged than any other order of patients. Military or naval subaltern officers, in narrow circumstances, are also proper objects of professional liberality.

XIX. As the first *consultation* by *letter* imposes much more trouble and attention than a personal visit, it is reasonable, on such an occasion, to expect a gratuity of double the usual amount: and this has long been the established practice of many respectable physicians. But a subsequent epistolary correspondence, on the further treatment of the same disorder, may justly be regarded in the light of ordinary attendance, and may be compensated as such,

according to the circumstances of the case, or of the patient.

XX. Physicians and surgeons are occasionally requested to furnish certificates, justifying the absence of persons who hold situations of honour and trust in the army, the navy, or the civil departments of government. These testimonials, unless under particular circumstances, should be considered as acts due to the public, and therefore not to be compensated by any gratuity. But they should never be given without an accurate and faithful scrutiny into the case; that truth and probity may not be violated, nor the good of the community injured, by the unjust preferences of its servants. The same conduct is to be observed by medical practitioners, when they are solicited to furnish apologies for non-attendance on juries; or to state the valetudinary incapacity of persons appointed to execute the business of constables, churchwardens, or overseers of the poor. No fear of giving umbrage, no view to present or future emolument, nor any motives of friendship, should incite to a false, or even dubious declaration. For the general weal requires that every individual, who is properly qualified, should deem himself obliged to execute, when legally called upon, the juridical and municipal employments of the body politic. And to be accessory, by untruth or prevarication, to the evasion of this duty, is at once a high misdemeanour against social order, and a breach of moral and professional honour.

XXI. The use of *quack medicines* should be discouraged by the faculty, as disgraceful to the profession, injurious to health, and often destructive even of life. Patients, however, under lingering disorders, are sometimes obstinately bent on having recourse to such as they see advertised, or hear recommended, with a boldness and confidence, which no intelligent physician dares to adopt, with respect to the means that he prescribes. In these cases, some indulgence seems to be required to a credulity that is insurmountable: and the patient should neither incur the displeasure of the physician, nor be entirely deserted by him. He may be apprized of the fallacy of his expectations, whilst assured, at the same time, that diligent attention should be paid to the process of the experiment he is so unadvisedly making on himself, and the consequent mischiefs, if any, obviated as timely as possible. Certain active preparations, the nature, composition, and effects of which are well known, ought not to be proscribed as quack medicines.

XXII. No physician or surgeon should dispense a secret *nostrum*, whether it be his invention, or exclusive property. For if it be of real efficacy, the concealment of it is inconsistent with beneficence and professional liberality: and if mystery alone give it value and importance, such craft implies either disgraceful ignorance, or fraudulent avarice.

XXIII. The *Esprit du Corps* is a principle of action founded in human nature, and when duly regulated, is both rational and laudable. Every man

who enters into a fraternity, engages, by a tacit compact, not only to submit to the laws, but to promote the honour and interest of the association, so far as they are consistent with morality, and the general good of mankind. A physician, therefore, should cautiously guard against whatever may injure the general respectability of his profession; and should avoid all contumelious representations of the faculty at large; all general charges against their selfishness or improbity; and the indulgence of an affected or jocular scepticism, concerning the efficacy and utility of the healing art.

XXIV. As diversity of opinion and opposition of interest may, in the medical, as in other professions, sometimes occasion *controversy*, and even *contention*; whenever such cases unfortunately occur, and cannot be immediately terminated, they should be referred to the arbitration of a sufficient number of physicians or of surgeons, according to the nature of the dispute; or to the two orders collectively, if belonging both to medicine and surgery. But neither the subject matter of such references, nor the adjudication, should be communicated to the public; as they may be personally injurious to the individuals concerned, and can hardly fail to hurt the general credit of the faculty.

XXV. A wealthy physician should not give advice *gratis* to the affluent; because it is an injury to his professional brethren. The office of physician can never be supported but as a lucrative one; and it



is defrauding, in some degree, the common funds for its support, when fees are dispensed with, which might justly be claimed.

XXVI. It frequently happens that a physician, in his incidental communications with the patients of other physicians, or with their friends, may have their cases stated to him in so direct a manner, as not to admit of his declining to pay attention to them. Under such circumstances, his observations should be delivered with the most delicate propriety and reserve. He should not interfere in the curative plans pursued; and should even recommend a steady adherence to them, if they appear to merit approbation.

XXVII. A physician, when visiting a sick person in the country, may be desired to see a neighbouring patient, who is under the regular direction of another physician, in consequence of some sudden change or aggravation of symptoms. The conduct to be pursued on such an occasion is to give advice adapted to present circumstances; to interfere no farther than is absolutely necessary with the general plan of treatment; to assume no future direction, unless it be expressly desired; and, in this case, to request an immediate consultation with the practitioner antecedently employed.

XXVIII. At the close of every interesting and important case, especially when it hath terminated fatally, a physician should trace back, in calm reflection, all the steps which he had taken in the treatment of it. This review of the origin, progress,



and conclusion of the malady ; of the whole curative plan pursued ; and of the particular operation of the several remedies employed, as well as of the doses and periods of time in which they were administered ; will furnish the most authentic documents, on which individual experience can be formed. But it is in a moral view that the practice is here recommended ; and it should be performed with the most scrupulous impartiality. Let no self-deception be permitted in the retrospect ; and if errors, either of omission or commission, are discovered, it behoves that they should be brought fairly and fully to the mental view. Regrets may follow, but criminality will thus be obviated. For good intentions, and the imperfection of human skill, which cannot anticipate the knowledge that events alone disclose, will sufficiently justify what is past, provided the failure be made conscientiously subservient to future wisdom and rectitude in professional conduct.

XXIX. The opportunities which a physician not unfrequently enjoys, of promoting and strengthening the good resolutions of his patients, suffering under the consequences of vicious conduct, ought never to be neglected. And his councils, or even remonstrances, will give satisfaction, not disgust, if they be conducted with politeness ; and evince a genuine love of virtue, accompanied by a sincere interest in the welfare of the person to whom they are addressed.

XXX. The observance of the sabbath is a duty to which medical men are bound, so far as is compa-

tible with the urgency of the cases under their charge. Visits may often be made with sufficient convenience and benefit, either before the hours of going to church, or during the intervals of public worship. And in many chronic ailments, the sick, together with their attendants, are qualified to participate in the social offices of religion; and should not be induced to forego this important privilege, by the expectation of a call from their physician or surgeon.\*

XXXI. A physician who is advancing in years, yet unconscious of any decay in his faculties, may occasionally experience some change in the wonted confidence of his friends. Patients, who before trusted solely to his care and skill, may now request that he will join in consultation perhaps with a younger coadjutor. It behoves him to admit this change without dissatisfaction or fastidiousness, regarding it as no mark of disrespect; but as the exercise of a just and reasonable privilege in those by whom he is employed. The junior practitioner may well be supposed to have more ardour than he possesses, in the treatment of diseases; to be bolder in the exhibition of new medicines; and disposed to administer old ones in doses of greater efficacy. And this union of enterprize with caution, and of fervour with coolness, may promote the successful management of a difficult and protracted case. Let the medical parties, therefore, be studious to conduct themselves towards each other with candour and impartiality;

\* See Notes and Illustrations, No. XII.

co-operating, by mutual concessions, in the benevolent discharge of professional duty.\*

XXXII. The commencement of that period of senescence, when it becomes incumbent on a physician to decline the offices of his profession, it is not easy to ascertain; and the decision on so nice a point must be left to the moral discretion of the individual. Because, one grown old in the useful and honourable exercise of the healing art may continue to enjoy, and justly to enjoy, the unabated confidence of the public. And whilst exempt, in a considerable degree, from the privations and infirmities of age, he is under indispensable obligations to apply his knowledge and experience, in the most efficient way, to the benefit of mankind: for the possession of powers is a clear indication of the will of our Creator, concerning their practical direction. But in the ordinary course of nature, the bodily and mental vigour must be expected to decay progressively, though perhaps slowly, after the meridian of life is past. As age advances, therefore, a physician should, from time to time, scrutinize impartially the state of his faculties; that he may determine, *bona fide*, the precise degree in which he is qualified to execute the active and multifarious offices of his profession. And whenever he becomes conscious that his memory presents to him with faintness those analogies, on which medical reasoning and the treatment of diseases are founded; that diffidence of the measures to be pursued per-

\* See Notes and Illustrations, No. XIII.

plexes his judgment; that, from a deficiency in the acuteness of his senses, he finds himself less able to distinguish signs, or to prognosticate events; he should at once resolve, though others perceive not the changes which have taken place, to sacrifice every consideration of fame or fortune, and to retire from the engagements of business. To the surgeon under similar circumstances, this rule of conduct is still more necessary: for the energy of the understanding often subsists much longer than the quickness of eyesight, delicacy of touch, and steadiness of hand, which are essential to the skilful performance of operations. Let both the physician and surgeon never forget, that their professions are public trusts, properly rendered lucrative whilst they fulfil them; but which they are bound, by honour and probity, to relinquish, as soon as they find themselves unequal to their adequate and faithful execution.\*

\* See Notes and Illustrations, No. XIV,



## CHAPTER III.

OF THE CONDUCT OF PHYSICIANS TOWARDS  
APOTHECARIES.

I. IN the present state of physic, in this country, where the profession is properly divided into three distinct branches, a connection peculiarly intimate subsists between the physician and the apothecary; and various obligations necessarily result from it. On the knowledge, skill, and fidelity of the apothecary, depend, in a very considerable degree, the reputation, the success, and usefulness of the physician. As these qualities, therefore, justly claim his attention and encouragement, the possessor of them merits his respect and patronage.

II. The apothecary is, in almost every instance, the precursor of the physician; and being acquainted with the rise and progress of the disease, with the hereditary constitution, habits, and disposition of the patient, he may furnish very important information. It is in general, therefore, expedient, and when health or life are at stake, expediency becomes a moral duty, to confer with the apothecary, before any decisive plan of treatment is adopted; to hear his account of the malady, of the remedies which have been administered, of the effects produced by them,



and of his whole experience concerning the *juvantia* and *lædientia* in the case. Nor should the future attendance of the apothecary be superseded by the physician: for if he be a man of honour, judgment, and propriety of behaviour, he will be a most valuable auxiliary through the whole course of the disorder, by his attention to varying symptoms; by the enforcement of medical directions; by obviating misapprehensions in the patient, or his family; by strengthening the authority of the physician; and by being at all times an easy and friendly medium of communication. To subserve these important purposes, the physician should occasionally make his visits in conjunction with the apothecary, and regulate by circumstances the frequency of such interviews: For if they be often repeated, little substantial aid can be expected from the apothecary, because he will have no intelligence to offer which does not fall under the observation of the physician himself; nor any opportunity of executing his *peculiar* trust, without becoming burthensome to the patient by multiplied calls, and unseasonable assiduity.

III. This amicable *intercourse* and *co-operation* of the physician and apothecary, if conducted with the *decorum* and attention to *etiquette*, which should always be steadily observed by professional men, will add to the authority of the one, to the respectability of the other, and to the usefulness of both. The patient will find himself the object of watchful and unremitting care, and will experience that he is

connected with his physician, not only personally, but by a fiducious representative and coadjutor. The apothecary will regard the free communication of the physician as a privilege and mean of improvement; he will have a deeper interest in the success of the curative plans pursued; and his honour and reputation will be directly involved in the purity and excellence of the medicines dispensed, and in the skill and care with which they are compounded.

IV. The duty and responsibility of the physician, however, are so intimately connected with these points, that no dependence on the probity of the apothecary should prevent the occasional inspection of the drugs which he prescribes. In London, the law not only authorizes, but enjoins a stated examination of the simple and compound medicines kept in the shops: and the policy that is just and reasonable in the metropolis, must be proportionably so in every provincial town, throughout the kingdom. Nor will any respectable apothecary object to this necessary office, when performed with delicacy, and at seasonable times; since his reputation and emolument will be increased by it, probably in the exact *ratio*, thus ascertained, of professional merit and integrity.

V. A physician called to visit a patient in the country should not only be *minute* in his *directions*, but should *communicate* to the apothecary the *particular view* which he takes of the *case*; that the indications of cure may be afterwards pursued with precision and steadiness; and that the apothecary may

use the discretionary power committed to him, with as little deviation as possible from the general plan prescribed. To so valuable a class of men as the country apothecaries, great attention and respect is due: and as they are the guardians of health through large districts, no opportunities should be neglected of promoting their improvement, or contributing to their stock of knowledge, either by the loan of books, the direction of their studies, or by unreserved information on medical subjects. When such occasions present themselves, the maxim of our judicious poet is strictly true, "The worst  
" avarice is that of sense." For practical improvements usually originate in towns, and often remain unknown or disregarded in situations where gentlemen of the faculty have little intercourse, and where sufficient authority is wanting to sanction innovation.

VI. It has been observed, by a political and moral writer of great authority, that " apothecaries' profit  
" is become a bye-word, denoting something uncommonly extravagant. This great apparent profit,  
" however, is frequently no more than the reasonable  
" wages of labour. The skill of an apothecary is a  
" much nicer and more delicate matter than that of  
" any artificer whatever; and the trust which is re-  
" posed in him is of much greater importance. He  
" is the physician of the poor in all cases, and of the  
" rich when the distress or danger is not very great.  
" His reward, therefore, ought to be suitable to his  
" skill and his trust, and it arises generally from the

“ price at which he sells his drugs. But the whole  
“ drugs which the best-employed apothecary in a  
“ large market town will sell in a year, may not per-  
“ haps cost him above thirty or forty pounds.  
“ Though he should sell them, therefore, for three  
“ or four hundred, or a thousand per cent. profit,  
“ this may frequently be no more than the reasonable  
“ wages of his labour charged, in the only way in  
“ which he can charge them, upon the price of his  
“ drugs.”\* The statement here given exceeds the  
emoluments of the generality of apothecaries in coun-  
try districts: and a physician who knows the edu-  
cation, skill, and persevering attention, as well as the  
sacrifice of ease, health, and sometimes even of life,  
which this profession requires, should regard it as a  
duty not to withdraw, from those who exercise it,  
any sources of reasonable profit, or the honourable  
means of advancement in fortune. Two practices  
prevail in some places injurious to the interest of this  
branch of the faculty, and which ought to be dis-  
couraged. One consists in suffering prescriptions to  
be sent to the druggist, for the sake of a small saving  
in expence: the other in receiving an annual stipend,  
usually degrading in its amount, and in the services  
it imposes, for being consulted on the slighter indis-  
positions to which all families are incident, and which  
properly fall within the province of the apothecary.

VII. Physicians are sometimes requested to visit  
the patients of the apothecary in his absence. Com-

\* See Smith's *Wealth of Nations*, book i. ch. x.



pliance in such cases should always be refused, when it is likely to interfere with the consultation of the medical gentleman ordinarily employed by the sick person, or his family. Indeed this practice is so liable to abuse, and requires in its exercise so much caution and delicacy, that it would be for the interest and honour of the faculty to have it altogether interdicted. Physicians are the only proper substitutes for physicians; surgeons for surgeons; and apothecaries for apothecaries.

VIII. When the aid of a physician is required, the apothecary to the family is frequently called upon to recommend one. It will then behove him to learn fully whether the patient or his friends have any preference or partiality; and this he ought to consult, if it lead not to an improper choice. For the maxim of Celsus is strictly applicable on such an occasion: *ubi par scientia, melior est amicus medicus quam extraneus*. But if the parties concerned be entirely indifferent, the apothecary is bound to decide according to his best judgment, with a conscientious and exclusive regard to the good of the person for whom he is commissioned to act. It is not even sufficient that he selects the person on whom, in sickness, he reposes his own trust; for in this case friendship justly gives preponderancy; because it may be supposed to excite a degree of zeal and attention which might overbalance superior science or abilities. Without favour or regard to any personal, family, or professional connections, he should recommend the physician



whom he conscientiously believes, all circumstances considered, to be best qualified to accomplish the recovery of the patient.

IX. In the county of Norfolk, and in the city of London, benevolent institutions have been lately formed, for providing funds to relieve the widows and children of apothecaries, and occasionally also members of the profession who become indigent. Such schemes merit the sanction and encouragement of every liberal physician and surgeon. And were they thus extended, their usefulness would be greatly increased, and their permanency almost with certainty secured. Medical subscribers, from every part of Great-Britain, should be admitted, if they offer satisfactory testimonials of their qualifications. One comprehensive establishment seems to be more eligible than many on a smaller scale. For it would be conducted with superior dignity, regularity, and efficiency; with fewer obstacles from interest, prejudice, or rivalry; with considerable saving in the aggregate of time, trouble, and expence; with more accuracy in the calculations relative to its funds, and consequently with the utmost practicable extension of its dividends.

## CHAPTER IV.

OF PROFESSIONAL DUTIES, IN CERTAIN CASES  
WHICH REQUIRE A KNOWLEDGE OF LAW.

I. GENTLEMEN of the faculty of physic, by the authority of different parliamentary statutes, enjoy an exemption from serving on inquests or juries; from bearing armour; from being constables or churchwardens; and from all burdensome offices, whether leet or parochial. These privileges are founded on reasons highly honourable to medical men; and should operate as incentives to that diligent and assiduous discharge of professional duty, which the legislature has generously presumed to occupy the time, and to employ the talents, of physicians and surgeons, in some of the most important interests of their fellow-citizens. It is perhaps on account of their being thus excused from many civil functions, that Sir William Blackstone, in his learned Commentaries, judges the study of the law to be less essential to them than to any other class of men. He observes, that “there is no  
“special reason why gentlemen of the faculty of  
“physic should apply themselves to the study of the  
“law, unless in common with other gentlemen, and  
“to complete the character of general and extensive

“ knowledge, which this profession, beyond others, has remarkably deserved.”\* But I apprehend it will be found that physicians and surgeons are often called upon to exercise appropriate duties, which require not only a knowledge of the principles of jurisprudence, but of the forms and regulations adopted in our courts of judicature. The truth of this observation will sufficiently appear from the following *brief detail* of some of the principal cases in which the science of law is of importance to medical practitioners. To enter at large on so comprehensive a subject, would far exceed the bounds of the present undertaking.

II. When a physician attends upon a patient, under circumstances of imminent danger, his counsel may be required about the expediency of a *last will and testament*. It behoves him, therefore, to know whether, in case of intestacy, the daughters, or younger children, of the sick person would be legally entitled to any share of his fortune: whether the fortune would be equally divided, when such equality would be improper or unjust: whether diversity of claims and expensive litigations would ensue, without a will, from the nature of the property in question: and whether the creditors of the defunct would, by his neglect, be defrauded of their equitable claims.†

\* Vol. i. sect. i. Introduction.

† Sir Wm. Blackstone declares it to be essential to a physician to become acquainted with the *form* in which a *will* or *devise* should be drawn up and executed.

For it is a culpable deficiency in our laws, that real estates are not subject to the payment of debts by simple contract, unless expressly charged with them by the last will and testament of the proprietor; although credit is often founded, as Dr. Paley well observes, on the possession of such estates. This acute moralist adds, “He, therefore, who neglects to make  
“the necessary appointments for the payment of his  
“debts, as far as his effects extend, sins in his grave;  
“and if he omit this on purpose to defeat the de-  
“mands of his creditors, he dies with a deliberate  
“fraud in his heart.”\*

Property is divided by the law into two species, *personal* and *real*; each requiring appropriate modes of transfer or alienation, with which a physician should be well acquainted. It may also be required of him to deliver an opinion, and even a solemn judicial evidence, concerning the *capacity* of his patient to make a *will*, a point sometimes of difficult and nice decision. For various disorders obscure, without perverting, the intellectual faculties: and even in delirium itself there are lucid intervals, when the memory and judgment become sufficiently clear, accurate, and vigorous, for the valid execution of a testament. In such cases the will should commence with the signature of the testator, concluding with it also, if his hand be not, after continued mental exertions,

\* See Paley's Principles of Moral and Political Philosophy, book iii. part i. chap. xxiii.



too tremulous for subscription; and it should be made with all possible conciseness, and expedition.”\*

If the patient be surprized by sudden and violent sickness, the law authorizes a *nuncupative will* in the disposal of personalty. But to guard against fraud, the testamentary words must be delivered with an explicit intention to bequeath; the will must be made at home, or among the testator's family and friends, unless by unavoidable accident; and also in his last sickness: for if he recover, it is evident that time is given for a written will.†

The law excludes from the privilege of making a will *madmen, ideots*, persons in their *dotage*, or those who have stupified their understandings by drunkenness. But there is a high degree of hypochondriacism, which not unfrequently falls under the cognizance of a physician, and on which he may be required to decide whether it amounts to mental incapacity for the execution of a last will and testament. To define the precise boundaries of rationality is perhaps impossible; if it be true, according to Shakespeare, that “the lunatic, the lover, and the poet are of imagination all compact.” But a partially dis-tempered fancy is known to subsist with general in-

\* “In the construction of the statute, 29 Car. II. ch. iii. it has been adjudged, that the testator's name, written with his own hand, at the beginning of the will, as I John Mills do make this my last will and testament; is a sufficient signing, without any name at the bottom; though the other is the safer way.” See Blackstone's Comment. book ii. ch. xxiii.

† Id. book ii. c. xxxii.



telligence: And a man, like Mr. Simon Browne, believing the extinction of his rational soul by the judgment of God, may uniformly evince, in every other instance, very distinguished intellectual powers; and be capable of directing his concerns, and disposing of his property, with sufficient discretion. To preclude one, so affected, from being a testator, seems inconsistent either with wisdom or justice; especially if the will which has been made, discover, in its essential parts, no traces of a disturbed imagination or unsound judgment. But whenever false ideas of a *practical kind* are so firmly united as to be constantly and invariably mistaken for truth, we properly denominate this unnatural alliance *INSANITY*: and if it give rise to a train of subordinate wrong associations, producing incongruity of behaviour, incapacity for the common duties of life, or unconscious deviations from morality and religion, *MADNESS* has then its commencement.\*

III. A lunatic, or *non compos mentis*, in the eye of the law, is one who has had understanding, but has lost it by disease, grief, or other accident. The king is the trustee for such unfortunate persons, appointed to protect their property, and to account to them, if they recover, for their revenues, or, after their decease, to their representatives. The Lord Chancellor, therefore, grants a commission to inquire into the state of mind of the insane person; and if he be found *non*

\* See the Author's Moral and Literary Dissertations, p. 127, second edit.;—also Notes and Illustrations, No. XV.

*compos*, by a jury, he usually commits the care of his person, with a suitable allowance for his maintenance, to some friend, who is then called his committee.”\* The physician, who has been consulted about the case, will doubtless be called upon to deliver an opinion concerning his patient : and before he becomes accessory to his deprivation, as it were, of all legal existence, he will weigh attentively the whole circumstances of the disorder, the original cause of it, the degree in which it subsists, its duration, and probable continuance. For if the malady be not fixed, great, and permanent, this solemn act of law must be deemed inexpedient, because it cannot be reversed without difficulty : and when insanity has been once formally declared, there may be grounds of apprehension, that the party will be consigned to neglect and oblivion. With regard to the waste or alienation of property by the person thus afflicted, little risk is incurred, if he be put under the ordinary restraint of a judicious *curator*. For whilst his mind remains in the state of alienation, he is incapable of executing any act with validity; and the next heir or other person interested may set it aside, on the plea of his incapacity. But the use of a guardian or committee of a lunatic is chiefly to renew, in his right, under the direction of the Court of Chancery, any lease for lives or years, and to apply the profits for the benefit of the insane person, of his heirs, or executors.

\* Blackstone's Comment. book i. chap. viii.

IV. The law justifies the *beating of a lunatic, in such manner as the circumstances may require.\** But it has been before remarked that a physician, who attends an asylum for insanity, is under an obligation of honour as well as of humanity, to secure to the unhappy sufferers, committed to his charge, all the tenderness and indulgence compatible with steady and effectual government :† and the strait waistcoat, with other improvements in modern practice, now preclude the necessity of coercion by corporal punishment.

V. Houses for the reception of lunatics are subject to strict regulations of law. These regulations refer to the persons keeping such houses, to the admission of patients into them, and to their inspection by visitors duly authorised and qualified. If any one conceal more than a single lunatic without a licence, he becomes liable to a penalty of five hundred pounds. The licences in the cities of London and Westminster, or within seven miles of the metropolis, are granted by the College of Physicians ; who are empowered to elect five of their fellows to act as commissioners for inspecting the lunatic asylums within their jurisdiction. Houses for the reception of lunatics in the country are to be licensed by the justices of the peace, during their quarter-sessions : and at the time when the licence is granted, the magistrates are directed to nominate two of their own body, and also one physician, to visit and inspect such licensed houses.

\* I. Hawkins, 130. Burn's Justice, vol. iii. p. 117.

† Chap. i. sect. xxx.

This inspection they are empowered to make as often as they judge it to be expedient; and an allowance is to be granted for the expences incurred. The keeper of every licensed house is bound, under the penalty of one hundred pounds, not to admit or confine any person as a lunatic, without having a certificate in writing, under the hand and seal of some physician, surgeon, or apothecary, that such person is proper to be received into the house, as being *non compos mentis*. And he is further required, under the same penalty, to give notice of this certificate to the secretary of the commissioners, appointed either by the college of physicians, or the magistrates at their quarter-sessions. The act of parliament, which establishes these regulations, states this important proviso: "That in all proceedings which shall be had under his Majesty's writ of *Habeas Corpus*, and in all indictments, informations, and actions, that shall be preferred or brought against any person or persons for confining or ill treating any of his Majesty's subjects, in any of the said houses, the parties complained of shall be obliged to justify their proceedings according to the course of the common law, in the same manner as if this act had not been made."\*

The legal allowance to a medical commissioner, for the visitation and inspection of a lunatic-asylum, is fixed, by the statute, at one guinea. This gratuity, which cannot be regarded as a just compensation for

\* See Statutes at Large, vol. viii. 14 Geo. III. c. 49.



the time and trouble bestowed, it may often be proper to decline. For to a physician, of a liberal mind, an inadequate pecuniary acknowledgment is felt as a degradation; but he will be amply remunerated by the consciousness of having performed an office, enjoined at once by the laws of humanity and of his country.

VI. In the case of *sudden death*, the law has made provision for examining into the cause of it by the *Coroner*, an officer appointed for the purpose, who is empowered to summon such evidence as is necessary, for the discharge of his inquisitorial and judicial functions. On these occasions, the attendance of a physician or surgeon may often be required, who should be qualified to give testimony consonant to legal as well as to medical knowledge. To this end he must not only be acquainted with the signs of natural death, but also of those which occur, when it is produced by accident or violence: and he should not be a stranger to the several distinctions of homicide, established in our courts of judicature. For the division of this act into *justifiable*, *excusable*, and *felonious*, will aid his investigation, and give precision to the opinion which he delivers.

VII. When a crime, which the law has adjudged to be capital, is attempted to be committed by force, the resistance of such force, even so as to occasion the death of the offender, it deemed *justifiable homicide*. Mr. Locke, in his Essay on Government, carries this doctrine to a much greater extent; asserting, that “all manner of force without a right upon a man’s



“ person puts him in a state of war with the aggressor, and of consequence, being in such a state of war, he may lawfully kill him that puts him under this unnatural restraint.”\* But Judge Blackstone considers this conclusion as applicable only to a state of uncivilized nature ; and observes, that the law of England is too tender of the public peace, too careful of the life of the subject, to adopt so contentious a system; nor will suffer with impunity any crime to be *prevented* by death, unless the same, if committed, would also be punished by death.†

VIII. With cases of justifiable homicide, however, gentlemen of the faculty are seldom likely to be professionally concerned. But *excusable homicide* may frequently fall under their cognizance, and require their deliberate attention, and accurate investigation. It is of two sorts; either *per infortunium*, by misadventure; or *se defendendo*, upon a principle of self-preservation. Death may be the consequence of a lawful act, done without any intention of hurt. Thus if an officer, in the correction of a soldier, happen to occasion his death, it is only misadventure; ‡ the punishment being lawful. But if the correction be unwarrantably severe, either in the manner, the instrument, or the duration of punishment, and death ensue, the offender is at least guilty of manslaughter, and in some circumstances, of murder : a surgeon,

\* Essay on Government, Part ii. ch. iii.

† Blackstone's Comment. book iv. ch. xiv. ‡ Ibid.

therefore, is usually present, when soldiers are chastised with the lash in pursuance of the sentence of a court-martial; and on his testimony must depend the justification of the mode and degree of punishment inflicted.—When medicines administered to a sick patient, with an honest design, to produce the alleviation of his pain, or cure of his disease, occasion death, this is misadventure, in the view of the law; and the physician or surgeon who directed them, is not liable to punishment criminally, though a civil action might formally lie for neglect or ignorance.\* But it hath been holden that such immunity is confined to *regular* physicians and surgeons. Sir Matthew Hale, however, justly questions the legality of this determination; since physic and salves were in use before licensed physicians and surgeons. “Wherefore he  
 “treats the doctrine as apocryphal, and fitted only to  
 “qualify and flatter licenciates and doctors in physic;  
 “though it may be of use to make people cautious  
 “how they meddle too much in so dangerous an em-  
 “ployment.” The college of physicians, however, within their jurisdiction, which extends seven miles round London, are vested by charter with the power of fine and imprisonment *pro mala praxi*. Yet Dr. Groenvelt, who was cited, in the year 1693, before the Censors of the College, and committed to Newgate, by a warrant from the president, for prescribing *cantharides* in substance, was acquitted on the plea

\* Consult “*Esprit des Loix*,” lib. xxix. ch. xiv.

that bad practice must be accompanied with a bad intention, to render it criminal. This prosecution, whilst it ruined the doctor's reputation, and injured his fortune, so that he is said to have died in want, excited general attention to the remedy, and afterwards established the use of it: though it must be acknowledged that his doses were too bold and hazardous. But whatever be the indulgence of the law towards medical practitioners, they are bound by a higher authority than that of the most solemn statute, not to exercise the healing art without due knowledge, tenderness, and discretion: And every rash experiment, every mistake originating from gross inattention, or from that ignorance which necessarily results from defective education, is, in the eye of conscience, a crime both against God and man.

It must frequently devolve on the faculty to decide concerning the nature and effects of blows, strokes, or wounds inflicted; and how far the death of the sufferer is to be ascribed to them, or to some antecedent or subsequent disease. In homicide, also, *se defendendo*, the manner and time of the defence are to be considered. For if the person assaulted fall upon the aggressor, when the fray is over and he is running away, this is revenge and not defence: and though no witness were present, the situation of the wound or of the blow would afford, if in the back of the assailant, presumptive evidence of *felonious homicide*.

IX. This crime, which in atrocity exceeds every other, is considered by the law under the three heads of *suicide*, *manlaughter*, and *murder*; concerning each of which the faculty are occasionally obliged to give professional evidence. A *felo de se* is one who has deliberately put an end to his existence, or committed any unlawful malicious act, the immediate consequence of which proved death to himself. To constitute this act a crime, the party must have been of years of discretion, and in the possession of reason. A physician, therefore, may be called upon, by the coroner, to state his opinion of the mental capacity of the defunct: and the law will not authorise the plea, that every melancholic or hypochondriac fit deprives a man of the power of discerning right from wrong. Even if a lunatic kill himself in a lucid interval, Sir M. Hale affirms that he is a *felo de se*: And the physician who has attended him, is best qualified to judge of the degree, the duration, or periodical seasons of such returns of sanity. But there are cases of temporary distraction, when death may be rushed upon apparently with design, but really from the influence of terror, or the want of that presence of mind, which is necessary to the exercise of judgment, and the discrimination of actual from imaginary evil. Of this kind the reader will find an affecting instance, related by Dr. Hunter, in the Medical Observations and Inquiries published by a Society of Physicians, in London.”\*

\* Vol. vi. p. 279.



X. *Manſlaughter* is defined “the unlawful killing  
“ of another, without malice, expreſs or implied;  
“ which may be either *voluntarily*, upon a ſudden  
“ heat; or *involuntarily*, but in the commiſſion of  
“ ſome unlawful act.” Yet though this definition is  
delivered from Sir Matthew Hale, by the excellent  
commentator on the laws of England ſo often quoted,  
it is not ſufficiently precise and comprehensive. For  
when a perſon does an act lawful in itſelf, but which  
proves fatal to a fellow-citizen, becauſe done without  
due circumſpection, it may, according to circum-  
ſtances, be either miſadventure, manſlaughter, or  
murder. Thus when a workman kills any one, by  
ſlinging down a ſtone or piece of timber into the  
ſtreet, if the accident be in a country village, where  
there are few paſſengers, and if he give warning by  
calling out to them, it is only miſadventure: But if  
it be in London, or any other populous town, where  
perſons are continually paſſing, it is manſlaughter,  
though warning be loudly given: And it is murder,  
if he know of their paſſing, and yet gives no warn-  
ing; for this is malice againſt all mankind.\*

On the like grounds we may reaſon concerning the  
caſes of death, occaſioned by drugs deſigned to pro-  
duce abortion. This purpoſe is not always unlaw-  
ful: for the configuration of the *pelvis* in ſome  
females is ſuch as to render the birth of a full-grown  
child impoſſible, or inevitably fatal. But even in

\* Blackſtone’s Comment. book. iv. ch. xiv.



such instances the guilt of manslaughter may be incurred by ignorance of the drastic quality of the medicine prescribed, or want of due caution in the dose administered: and when no moral or salutary end is in view, the simple act itself, if fatal in the issue, falls under the denomination of murder.† “If a woman be quick with child, and, by a potion or otherwise, killeth it in her womb, this is a great misprision, yet no murder: but if the child be born alive, and dieth of the potion or other cause, this is murder.”‡ The procuring of abortions was common amongst the Romans; and it is said, was liable to no penalty before the reigns of Severus and Antoninus. Even those princes made it criminal only in the case of a married woman practising it to defraud her husband of the comforts of children, from motives of resentment. For the *fœtus* being regarded as a portion of the womb of the mother, she was supposed to have an equal and full right over both. This false opinion may have its influence in modern, as well as in ancient times; and false it must be deemed, since no female can be privileged to injure her own bowels, much less the *fœtus*, which is now well known to constitute no part of them. To extinguish the first spark of life is a crime of the same nature, both against our Maker and society, as to destroy an infant, a child, or a man; these regular and successive stages of existence being the ordinances of

† See Burn's Justice of Peace, vol. i. page 216.

‡ Id. vol. ii. p. 110.

GOD, subject alone to his divine will, and appointed by sovereign wisdom and goodness as the exclusive means of preserving the race, and multiplying the enjoyments, of mankind. Hence the father of physic, in the oath enjoined on his pupils, which some universities now impose on the candidates for medical degrees, obliged them solemnly to abjure the practice of administering the *τεσσος φθοριος*. But in weighing the charge against any person of having procured abortion, the methods employed should be attentively considered by the faculty; as this effect has often been ascribed to causes inadequate to its production. Even the pessary, so sanctimoniously forbidden by Hippocrates, has little of that activity and power, which superstition assigned to it.

XI. The law of England guards, with assiduous care, the lives of infants, when endangered by motives which counteract, and too often overbalance, the strong operation of maternal love. In cases of *bastardy*, therefore, it is declared, by a statute passed in the reign of James I. that “ If any woman be delivered of any issue of her body, male or female, which being born alive, should by the laws of this realm be a bastard, and she endeavour privately, either by drowning, or secret burying thereof, or any other way, either by herself, or the procuring of others, so to conceal the death thereof, as that it may not come to light whether it was born alive or not, but be concealed, she shall suffer death, as in case of murder; except she can prove, by one

“witness at least, that the child was born dead.”\* This law, though humane in its principle, is much too severe in its construction. To give certainty to punishment, by facilitating conviction, is doubtless an essential object of jurisprudence: and it has been well observed, that the statute, which made the possession of the implements of coining a capital offence, by constituting such possession complete evidence of guilt, has proved the most effectual mean of enforcing the denunciation of law against this dangerous and tempting crime.† But the analogy, which the able moralist has drawn between this ordinance and that relating to bastardy, is not fully conclusive. For possession, in the former case, clearly implies a specific purpose, for which the legislature, with sufficient wisdom and justice, has provided a specific punishment: whereas secrecy in the mother, concerning the death of her illegitimate offspring, hardly amounts to the lowest degree of presumptive evidence of felonious homicide. Gentlemen of the faculty have often melancholy experience of the distraction and misery, which females suffer under these unhappy circumstances: and when it becomes their painful office to deliver evidence on such occasions, justice and humanity require, that they should scrutinize the whole truth, and *nothing extenuate, nor set down aught in malice*. “What is commonly understood to be the murder of “a bastard child by the mother,” says Dr. Hunter,

\* Burn's Justice, vol. i. p. 216.

† See Paley's Moral and Political Philosophy, 4to. p. 350.

“ if the real circumstances were fully known, would  
“ be allowed to be a very different crime in different  
“ circumstances. In some (it is to be hoped *rare*)  
“ instances, it is a crime of the very deepest dye.” . . .  
“ But, as well as I can judge, the greatest number of  
“ what are called murders of bastard children, are of a  
“ very different kind. The mother has an uncon-  
“ querable sense of shame, and pants after the pre-  
“ servation of character: so far she is virtuous and  
“ amiable. She has not the resolution to meet and  
“ avow infamy. In proportion as she loses the hope  
“ either of having been mistaken with regard to  
“ pregnancy, or of being relieved from her terrors by  
“ a fortunate miscarriage, she every day sees her dan-  
“ ger greater and nearer, and her mind overwhelmed  
“ with terror and despair. In this situation many  
“ of these women, who are afterwards accused of  
“ murder, would destroy themselves, if they did not  
“ know that such an action would infallibly lead to  
“ an inquiry, which would proclaim what they are  
“ so anxious to conceal. In this perplexity, and  
“ meaning nothing less than the murder of the in-  
“ fant, they are meditating different schemes for con-  
“ cealing the death of the child; but are wavering  
“ between difficulties on all sides, putting the evil  
“ hour off, and trusting too much to chance and for-  
“ tune. In that state often they are overtaken be-  
“ fore they expect it; their schemes are frustrated;  
“ their distress of body and mind deprives them of  
“ all judgment and rational conduct; they are deli-



“ vered by themselves wherever they happen to retire  
“ in their fright or confusion; sometimes dying in the  
“ agonies of child-birth; and sometimes being quite  
“ exhausted, they faint away, and become insensible  
“ of what is passing; and when they recover a little  
“ strength, find that the child, whether still-born or  
“ not, is completely lifeless. In such a case, is it to  
“ be expected, when it would answer no purpose,  
“ that a woman should divulge the secret? Will not  
“ the best dispositions of mind urge her to preserve  
“ her character? She will therefore hide every ap-  
“ pearance of what has happened as well as she can,  
“ though, if the discovery be made, that conduct will  
“ be set down as a proof of her guilt.” . . . “ Here  
“ let us suppose a case, which every body will  
“ allow to be very possible:—An unmarried wo-  
“ man becoming pregnant is striving to conceal her  
“ shame, and laying the best scheme that she can  
“ devise, for saving her own life and that of the child,  
“ and at the same time concealing the secret; but her  
“ plan is at once disconcerted by her being taken ill  
“ by herself, and delivered of a dead child. If the  
“ law punish such a woman with death for con-  
“ cealing her shame, does it not require more from  
“ human nature, than weak human nature can bear?  
“ In a case so circumstanced, surely the only crime is  
“ the having been pregnant, which the law does not  
“ mean to punish with death; and the attempt to  
“ conceal it by fair means should not be punishable



“ with death, as that attempt seems to arise from a  
“ principle of virtuous shame.”\*

The observations here quoted have a just claim to attention, from the extensive experience which the author possessed, and still more from his intimate knowledge of the female character. Yet to the moral and political philosopher, Dr. Hunter may appear to have exalted the sense of shame into the principle of virtue; and to have mistaken the great end of penal law, which is not vengeance, but the prevention of crimes. The statute, indeed, which makes the concealment of the birth of a bastard child full proof of murder, confounds all distinctions of innocence and guilt; as such concealment, whenever practicable, would be the wish and act of all mothers, amiable or vicious, under the same unhappy predicament. Law, however, which is the guardian and bulwark of the public weal, must maintain a steady and even rigid watch over the general tendencies of human actions: and when these are not only clearly understood, but interpreted according to the rules of wisdom and rectitude, that may justly be constituted a civil crime, which, if permitted, might give occasion to atrocious guilt, though in its own nature innocent. The measure of punishment, however, should be proportionate, as nearly as possible, to the temptation to offend, and to the kind and degree of evil produced by the offence. If inadequate to the former, it will be nugatory; and if too severe for the latter,

\* Med. Obs. and Inq. vol. vi. p. 271, et seq.

it will defeat itself, by furnishing a just plea for superseding its execution.\* A revision of our sanguinary statutes is much wanted; and it would be happy if means could be devised of suppressing the punishment, by obviating the crime, when it is merely positive or municipal. This we have seen accomplished with respect to the coinage of money, by the simple introduction of a standard weight in the payment of gold: and a sagacious legislator might doubtless discover and adopt similar improvements in other branches of penal jurisprudence.

Much observation is required to discriminate between a child still-born, and one that has lived after birth only a short space of time. Various appearances, also, both internal and external, may be mistaken for marks of violent death. Even the swimming of the lungs in water, a test on which so much reliance is placed, will, on many occasions, be found fallacious. But these are points of professional science, which do not strictly fall under the subject of this section; and the reader is particularly referred to the paper already quoted, and also to the *Elementa Medicinæ Forensis* Job. Fred. Faselii; or to a valuable epitome of the same work in English by Dr. Farr.†

\* “L’atrocité des lois en empêche l’exécution.

“Lorsque la peine est sans mesure, on est souvent obligé de lui préférer l’impunité.”——MONTESQUIEU.

† Elements of Medical Jurisprudence; or a succinct and compendious Description of such Tokens in the Human Body, as are requisite to determine the Judgment of a Coroner, and of Courts of Law, in Cases of Divorce, Rape, Murder, &c. London, Becket, 1788.

XII. *Duelling* is another species of felony, even though the consequences of it should not prove fatal: and gentlemen of the faculty are peculiarly interested in the knowledge of the laws relating to it; because they are not only liable to be summoned on the trial of the parties, if either or both of them be wounded, but are frequently professional attendants on them in the field of combat. It is astonishing that a practice, which originated in ages of Gothic ignorance, superstition, and barbarism, should be continued in the present enlightened period, though condemned by the ordinances of every state, and repugnant to the spirit and precepts of Christianity. Sir Francis Bacon, when attorney-general, in the reign of James I. delivered a charge, before the court of Star-Chamber, touching duels, which gives a clear and animated view of the light in which they were then regarded. “The first  
“motive,” he says, “is a false and erroneous ima-  
“gination of honour and credit; and therefore the  
“king, in his proclamation, doth most aptly call them  
“*bewitching duels*. For if one judge of it truly, it is  
“no better than a forcery, that enchanteth the spi-  
“rits of young men; and a kind of fatanical illusion  
“and apparition of honour against religion, against  
“law, and against moral virtue. Hereunto may be  
“added, that men have almost lost the true notion  
“and understanding of fortitude and valour. For  
“fortitude distinguisheth of the grounds of quarrels,  
“whether they be just; and not only so, but whether  
“they be worthy; and setteth a better price upon

“ men’s lives than to bestow them idly. Nay, it is  
 “ weakness and disesteem of a man’s self, to put a  
 “ man’s life upon such liedger performances: a man’s  
 “ life is not to be trifled away; it is to be offered up  
 “ and sacrificed to honourable services, public merits,  
 “ good causes, and noble adventures. It is in expence  
 “ of blood, as it is in expence of money; it is no  
 “ liberality to make a profusion of money upon every  
 “ vain occasion; nor no more is it fortitude to make  
 “ effusion of blood, except the cause be of worth.”\*

The decree of the Star-Chamber against Priest and Wright, the objects of Sir Francis Bacon’s charge, was, that they should both be committed to prison; that the former should be fined 500*l.* and the latter 500 marks; and that at the next assizes they should publickly acknowledge their high contempt of and offence against God, the king’s majesty, and his laws, shewing themselves penitent for the same.— Though this judgment appears to have been founded in wisdom and equity, yet, happily for our country, the court, which passed the sentence, has been long suppressed; and we are now governed not by arbitrary will, but by known and fixed laws. Those which subsist against duelling, I shall quote on the authorities of Foster, Blackstone, Hawkins, and Burn.  
 “ Deliberate duelling, if death ensueth, is, in the  
 “ eye of the law, murder; for duels are generally  
 “ founded in deep revenge; and though a person  
 “ should be drawn into a duel, not upon a motive so

\* Bacon’s Works, 4to. Birch’s edit. vol. ii. p. 565.



“ so criminal, but merely upon the punctilio of what  
 “ the swordsmen falsely call honour, that will not  
 “ excuse; for he that deliberately seeketh the blood  
 “ of another upon a private quarrel, acteth in defi-  
 “ ance of all laws human and divine.”\* “ Express  
 “ malice is when one, with a sedate deliberate mind  
 “ and formed design, doth kill another. This takes  
 “ in the case of deliberate duelling, where both par-  
 “ ties meet avowedly, with any intent to murder;  
 “ thinking it their duty as gentlemen, and claiming it  
 “ as their right, to wanton with their own lives, and  
 “ those of their fellow-creatures, without any war-  
 “ rant or authority from any power either human or  
 “ divine, but in direct contradiction to the laws both of  
 “ GOD and man. And therefore, the law has justly  
 “ fixed the crime and punishment of murder on them,  
 “ and on their seconds also.”†—“ The law so abhors  
 “ all duelling in cold blood, that not only the prin-  
 “ cipal who actually kills the other, but also his  
 “ seconds, are guilty of murder, whether they fought  
 “ or not: and it is holden that the seconds of the  
 “ party slain are also guilty as accessaries.”‡ From  
 variations in the moral and intellectual character of  
 man, it is impossible to ascertain the precise period,  
 when the passions may be supposed to become cool,  
 after having been violently agitated. Judgment,

\* Sir Michael Foster's Reports, 8vo. p. 297.

† Blackstone's Comment. book iv. ch. xiv.

‡ I. Hawkins, 82; and Burn's Justice, vol. ii. p. 509.



therefore, must be founded on the circumstances of deliberation, which are delivered in the course of evidence. In many cases, it has been determined that death, in consequence of an appointment and meeting, a few hours subsequent to the provocation, is murder.\*

XIII. Before a surgeon engage professionally to *attend* a *duellist* to the *field of combat*, it behoves him to consider well, not only how far he is about to countenance a deliberate violation of the duties of morality and religion; but whether, in the construction of law, he may not be deemed an aider and abettor of a crime, which involves in it such turpitude, that death is alike denounced against the principal and the accessory. Does he not voluntarily put himself into a predicament similar, in many essential points, to that of the *second*, who is expressly condemned by the legislature of this country? Both are apprized of the purpose to commit an act of felony; both take an interest in the circumstances attendant upon it; and both are present during the execution; the one to regulate its antecedents, the other to alleviate its consequences. But I suggest these considerations with much diffidence; and though I observe some passages in Sir Michael Foster's Discourse concerning Accessories, which seem to confirm them; yet it may be proper to quote the following, apparently adverse, opinion of this excellent judge. "In

\* See Legg's ca. Kelyng, 27; Eden's Principles of Penal Law, p. 224.

“ order to render a person an accomplice and a principal in felony, he must be aiding and abetting at the fact, or ready to afford assistance, if necessary. And therefore, if A happeneth to be present at a murder, for instance, and taketh no part in it, nor endeavoureth to prevent it, nor apprehendeth the murderer, nor levieth hue and cry after him ; this strange behaviour of his, though highly criminal, will not of itself render him either principal or accessory.”\*

But whatever be the objections against the attendance of a surgeon in the field of combat, they cannot be construed to extend to the affording of all possible assistance to any unfortunate sufferer in an affair of honour ; provided such assistance be not preconcerted, but required as in ordinary accidents or emergencies. For in the offices of the healing art, no discrimination can be made, either of occasions or of characters : and it must be acknowledged, that many of the victims of duelling have been men, from their talents and virtues, possessing the justest claim to assiduous and tender attention. That lives of such inestimable value to their friends, to their families, and to the public, should be at the mercy of any profligate rake, who wantonly gives affronts, or idly fancies he receives them, is a great aggravation of the folly, as well as of the guilt of duelling. This reflection seems to shew the propriety of a change in the penal code,

\* Foster's Crown Law, 8vo. p. 350.

respecting it; and that the punishment inflicted should be confined to the aggressor; strict inquisition into the circumstances of the case being previously made by the coroner, or some magistrate authorized and bound to exercise this important trust. And he may, with reason, be regarded as the aggressor, who either violates the rules of decorum, by any unprovoked rudeness or insult; or who converts into an offence what was intended only as convivial pleasantry.\*

XIV. A physician has no special interest in an acquaintance with the statutes relative to duelling. But as he possesses the rank of a gentleman, both by his liberal education and profession, the *law of honour*, if that may be termed a law which is indefinite and arbitrary, has a claim to his serious study and attention: as a philosopher, also, it becomes him to trace its origin, and to investigate the principles on which it is founded: and as a moralist, duty calls upon him to counteract its baneful influence and ascendancy. For, in principle, it is distinct from virtue; and, as a practical rule, it extends only to certain formalities and decorums, of little importance in the transactions of life, and which are spontaneously observed by those, who are actuated with the true sense of propriety and rectitude. Genuine honour, in its full extent, may be defined a quick perception and strong feeling of moral obligation, in conjunction with an acute sensibility to shame, reproach,† or infamy. In different

\* See Notes and Illustrations, No. XVI.

characters, these constituent parts of the principle are found to exist in proportions so diversified, as sometimes to appear almost single and detached. The former always *aids and strengthens virtue*; the latter may occasionally *imitate her actions*,\* when fashion happily countenances, or high example prompts to rectitude. But being connected, for the most part, with a jealous pride and capricious irritability, it will be more shocked with the *imputation*, than with the *commission* of what is wrong. And thus it will constitute that spurious honour, which, by a perversion of the laws of association, *puts evil for good, and good for evil*; and, under the sanction of a name, perpetrates crimes without remorse, and even without ignominy.†

XV. *Homicide by poison* is another very important object of medical jurisprudence. When it is the effect of inadvertency, or the want of adequate caution, in the use of substances dangerous to health and life, the law regards it as a misdemeanour: When it is the consequence of rashness, of wanton experiment, or of motives unjust, though not malicious,‡ it be-

\* Addison's Cato.

† See the Author's Mor. and Lit. Diff. p. 295, 2d edit.

‡ "If an action unlawful itself be done deliberately, and *with intention of mischief*, or great bodily harm to particulars, or of mischief indiscriminately, fall it where it may, and death ensue against or beside the original intention of the party, it will be murder. But if such *mischievous intention* doth not appear, which is matter of fact, and *to be collected from circumstances*, and the act was done heedlessly and incautiously, it will be manslaughter; not accidental death, because the act which ensued was unlawful." Foster, p. 261.



comes manslaughter: And when the express purpose is to kill, by means of some deleterious drug, it constitutes a most atrocious species of murder. In cases of this nature, the faculty are called upon to give evidence concerning the nature of the poison, the symptoms produced by it, and the actual fatality of its operation. The period of this fatal operation is extended, as in the infliction of blows and wounds, to a year and a day. But if it be, the most nice and accurate investigation of the progressive advances of disease and death will be incumbent on the physician or surgeon, who is consulted on the occasion. No subject has given rise to more misconception and superstition, than the action of poisons. Numberless substances have been classed as such, which, if not inert, are at least innoxious; and powers have been ascribed to others, far exceeding their real energy. Even Lord Verulam, the great luminary of science, in his charge against the Earl of Somerset, for the murder of Sir Thomas Overbury, in the Tower of London, seems to give credit to the story of Livia, who is said to have poisoned the figs upon the tree, which her husband was wont to gather with his own hands. And he seriously states, that “ Weston  
“ chased the poor prisoner with poison after poison;  
“ poisoning salts, poisoning meats, poisoning sweet-  
“ meats, poisoning medicines and vomits, until at last  
“ his body was almost come, by the use of poisons,  
“ to the state that Mithridates’s body was by the  
“ use of treacle and preservatives, that the force of



“ the poisons was blunted upon him: Weston confessing, when he was tried for not dispatching him, “ that he had given enough to poison twenty men.”\* In this criminal transaction the truth probably was, what has been judiciously suggested by Rapin, that the lieutenant of the tower, refusing to be concerned in the crime, yet not daring to discover it, from the fear of the Viscount Rochester’s resentment, seized the victuals sent from time to time for the prisoner, and threw them into the house of office. Sir Thomas Overbury, however, fell a victim at last to an empoisoned glyster.

When the particular drug, or other mean employed, can be accurately ascertained, its deleterious qualities should be fully investigated; and these should be cautiously compared with the effects ascribed to it, in the case under consideration. It may often be expedient, also, to examine the body of the sufferer by dissection; and this should be accomplished as expeditiously as possible; that the changes imputed to death may not be confounded with those which are imputed to poison. But on such points reference can alone be made to the knowledge and experience of the practitioner, and to the lights which he may acquire by consulting Faselius, and other works of a similar nature. I shall, therefore, close this article with a few passages of the charge of Mr. Justice Buller to the grand jury, relative to the trial of

\* Bacon’s Works, vol. ii. p. 614.

Capt. Donellan, for the murder of Sir Theodosius Boughton, at the Warwick assizes, in March 1781. "In this case, gentlemen," he says, "you will have two objects to consider; first, whether the deceased did die of *poison*? secondly, whether the person suspected did assist in *administering* the poison? With respect to the first of these considerations, you will, no doubt, *hear the sentiments of those who are skilled in the nature and effects of poison*, which is of various sorts, and most subtle in its operation. From the *information* of such persons you will be able to form an opinion of the effects which *different poisons* have on *different persons*; and also the effects the *same poisons* have on persons of *different habits and constitutions*. If you find he did get his death by poison; the next case is, to consider who gave him that poison? Where poison is knowingly given, and death ensues, it is wilful murder; and if one *who knows what is intended*, be present, when poison is given by another, he is not an accessory, but a principal."\*

XVI. In all civilized countries, the honour and chastity of the female sex are guarded from violence, by the severest sanctions of law. And this protection is at once humane, just, and necessary to social morality. It is consonant to humanity that weakness should be secure against the attacks of brutal strength: it is just that the most sacred of all personal property

\* Hist. Sketches of Civil Liberty, p. 209.

should be preserved from invasion:—and it is essential to morality that licentious passion should be restrained; that modesty should not be wounded; nor the mind contaminated, in some instances, before it is capable of forming adequate conceptions of right and wrong. The crime of *rape*, therefore, subjects the perpetrator to condign punishment by every code of jurisprudence, ancient or modern.\* Amongst the Jews death was inflicted, if the damsel were betrothed to another man: and if not betrothed, a fine, amounting to fifty shekels of silver, was to be paid to her father by him who had *laid hold of the virgin*, and she was to become his wife: and because *he had humbled her, he might not put her away all his days*:† for the privilege of divorce was authorized by the Jewish institutions. The Romans made this offence capital, superadding the confiscation of goods. Even the carrying-off a woman from her parents or guardians, and cohabiting with her, whether accomplished by force, or with her full consent, were made equally penal with a rape, by an imperial edict. For the Roman law seems to have supposed, that women never deviate from virtue, without being seduced by the arts of the other sex: and, therefore, by imposing a powerful restraint on the solicitations of men, they aimed at a more effectual security of the chastity of women. *Nisi etenim eam sollicitaverit, nisi odiosis*

\* See Notes and Illustrations, No. XVII.

† Deuteronomy xxii. 28, 29.

*artibus circumvenerit, non faciet eam velle in tantum dedecus sese prodere.* But the English law, as Judge Blackstone has observed, does not entertain such sublime ideas of the honour of either sex, as to lay the blame of a mutual fault on one only of the transgressors: and it is, therefore, essential to the crime of rape, that the woman's will is violated by the execution. But, by a statute of Queen Elizabeth, if the crime be perpetrated on a female child under the age of *ten* years, the consent or non-consent is immaterial, as she is supposed to be of insufficient judgment. Sir Matthew Hale is even of opinion, that such profligacy committed on an infant under *twelve* years, the age of female discretion by common law, either with or without consent, amounts to a rape and felony. But the decisions of the courts have, generally, been founded on the statute above-mentioned.

A male infant, under the age of fourteen years, is deemed, by the law, incapable of committing, and therefore cannot be found guilty of a rape, from a presumed imbecility both of body and mind. This detestable crime being executed in secrecy, and the knowledge of it being confined to the party injured, it is just that her single testimony should be adducible in proof of the fact. Yet the excellent observation of Sir Matthew Hale merits peculiar attention: "It is an accusation," says he, "easy to be made, and harder to be proved; but harder to be defended by the party accused, though innocent." He then



relates two extraordinary cases of malicious prosecution for this crime, which had fallen under his own cognizance; and concludes, "I mention these instances, that we may be more cautious upon trials of offences of this nature, wherein the court and jury may, with so much ease, be imposed upon, without great care and vigilance; the heinousness of the offence many times transporting the judge and jury with so much indignation, that they are overhastily carried to the conviction of the person accused thereof, by the confident testimony of sometimes false and malicious witnesses." Collateral and concurrent circumstances of time and place,\* appearances of violence on examination, &c. are, therefore, necessary to be added to the mere affirmative evidence of the prosecutor. And the inspection of a surgeon is often required, to ascertain the reality of the alleged violence. On such occasions, his testimony should be given with all possible delicacy, as well as with the utmost caution. Even external signs of injury may originate from disease, of which the following examples, which have occurred in Manchester, are adduced on very respectable authorities.

A girl, about four years of age, was admitted into the Manchester Infirmary, on account of a mortification in the female organs, attended with great foreboding and general depression of strength. She had

\* These circumstances are particularly adverted to in the Mosaic Law. See Deut. xxii. 25, 26, 27.



been in bed with a boy, fourteen years old; and there was reason to suspect, that he had taken criminal liberties with her. The mortification increased, and the child died. The boy, therefore, was apprehended, and tried at the Lancaster assizes; but was acquitted on sufficient evidence, that several instances of a similar disease had appeared, near the same period of time, in which there was no possibility of injury or guilt. In one of these cases the body was opened after death. The disorder had been a *typhus* fever, accompanied with the mortification of the *pudenda*. There was no evident cause of this extraordinary symptom discoverable on inspection. The lumbar glands were of a dark colour; but all the *viscera* were found.\*

XVII. Concerning *nuisances*, the investigation and testimony of the faculty may be required, whenever they are of a nature offensive by the vapours which they emit, and injurious to the health of individuals, or of the community. The law defines any thing that worketh hurt, inconvenience, or damage, to be a nuisance.† Thus if a person keep hogs, or other noisome animals, so near the house of another, that the stench incommodes him, and renders the air unwholesome, this is a nuisance; because it deprives him of the enjoyments and benefits of his habitation. A smelting-house for lead, the smoke of which kills

\* See Notes and Illustrations, No. XVIII.

† See Blackstone's Comment. book iii. ch. xiii.; and book iv. ch. xiii.

the grass and corn, and injures the cattle of a neighbouring proprietor of land, is deemed a nuisance. Dye-houses, tanning-yards, &c. are nuisances, if erected so near a water-course, as to corrupt the stream. But a chandler's factory, even when situated in a crowded town, is said to be privileged from action or indictment, because candles are regarded as necessities of life. Hawkins, however, questions the authority of this opinion, since the making of candles may be carried on in the country without annoyance.† But this is scarcely practicable in a populous neighbourhood: and as Lord Mansfield has adjudged, that, in such cases, what makes the enjoyment of being and property uncomfortable is, in the view of the law, a nuisance;\* various works and trades, essential to the happiness and interest of the community, may fall under this construction. But chemistry, mechanics, and other arts and sciences, furnish methods of diminishing or obviating almost every species of noisome vapour: and there can be no doubt that vitriol works, aquafortis works, marine acid bleaching-works, the singeing of velvets, &c. may be carried on with very little inconvenience to a neighbourhood, by means neither difficult nor expensive. The same observation may be applied to the business of the dyer, the fell-monger, the tanner, the butcher, and the chandler: and as these, with many other disgusting trades are, in some degree, necessary in large towns, justice and policy require,

† 1 Hawk. 199. Burn's Justice, vol. iii. p. 239.

\* Burron. Mansfield, 333. Burn U. S.

that they should only be prosecuted as nuisances, when not conducted in the least offensive mode possible. To guard against arbitrary powers in municipal government, and to render the decision and investigation of such points perfectly consistent with the liberty of the subject, the reference should be made to a jury; or at least, any individual should be allowed an appeal to one, if he think himself aggrieved.

The frequency of fires, in large manufacturing towns, makes it expedient that magistrates, or commissioners, should be authorized to scrutinize rigidly into the causes of them, when they occur; to punish neglect or carelessness, as well as malicious intention; and to enforce suitable measures of prevention. The plans proposed for this last very important purpose by Mr. Hartley and Lord Stanhope have been proved to be effectual, and are not expensive. The adoption of them, therefore, or of other means which may hereafter be discovered, should be required, under a heavy penalty, in cases deemed by insurers *doubly hazardous*.

XVIII. It is a complaint made by coroners, magistrates, and judges, that medical gentlemen are often reluctant in the performance of the offices required from them as citizens qualified, by professional knowledge, to aid the execution of public justice. These offices, it must be confessed, are generally painful, always inconvenient, and occasion an interruption to business, of a nature not to be easily appreciated or compensated. But as they admit of no substitution,

they are to be regarded as appropriate debts to the community, which neither equity nor patriotism will allow to be cancelled.

When a physician or surgeon is called to give evidence, he should avoid, as much as possible, all obscure and technical terms, and the unnecessary display of medical erudition. He should deliver, also, what he advances, in the purest and most delicate language, consistent with the nature of the subject in question.—When two or more gentlemen of the faculty are to offer their opinions or testimony, it would sometimes tend to obviate contrariety, if they were to confer freely with each other before their public examination. Intelligent and honest men, fully acquainted with their respective means of information, are much less likely to differ, than when no communication has previously taken place. Several years ago, a trial of considerable consequence occurred, relative to a large copper work ; and two physicians of eminence were summoned to the assizes, to bear testimony concerning the salubrity or insalubrity of the smoke issuing from the furnaces. The evidence they offered was entirely contradictory. One grounded his testimony on the general presumption that the ores of copper contain arsenic ; and consequently that the effluvia, proceeding from the roasting of them, must be poisonous because arsenical. The other had made actual experiments on the ore employed in the works under prosecution, and on the vapours which it yielded : he was thus furnished with full proof



that no arsenic was discoverable in either. But the affirmative prevailed over the negative testimony, from the authority of the physician who delivered it; an authority which he probably would not have misapplied, if he had been antecedently acquainted with the decisive trials made by his opponent.\*

XIX. It is the injunction of the law, sanctioned by the solemnity of an oath, that in judicial testimony, *the truth, the whole truth, and nothing but the truth* shall be delivered. A witness, therefore, is under a sacred obligation to use his best endeavours that his mind be clear and collected, unawed by fear, and uninfluenced by favour or enmity. But in criminal prosecutions, which affect the life of the person accused, scruples will be apt to arise in one who, by the advantages of a liberal education, has been accustomed to serious reflection, yet has paid no particular attention to the principles of political ethics. It is incumbent, therefore, on gentlemen of the faculty, to settle their opinions concerning the right of the civil magistrate to inflict capital punishment; the moral and social ends of such punishment; the limits prescribed to the exercise of the right; and the duty of a citizen to give full efficiency to the laws.

The magistrate's *right* to inflict punishment, and the ends of such punishment, though intimately connected, are in their nature distinct. The right is clearly a substitution or transfer of that which be-

\* See Notes and Illustrations, No. XIX.



longs to every individual, by the law of nature, viz. instant self-defence, and security from future violence or wrong. The ends are more comprehensive, extending not only to complete security against offence, but to the correction and improvement of the offender himself, and to counteract in others the disposition to offend. Penal laws are to be regulated by this standard; and the lenity or severity, with which they are executed, should, if possible, be exactly proportionate to it. In different circumstances, either personal or public considerations may preponderate: and in cases of great moral atrocity, or when the common weal is essentially injured, all regard to the reformation of a criminal is superseded; and his life is justly forfeited to the good of society. In the participation of the benefits of the social union, he has virtually acceded to its conditions, and the violation of its fundamental articles renders him a rebel and an enemy, to be expelled or destroyed, both for the sake of security, and as an awful warning to others. When capital punishments are viewed in this light, the most humane and scrupulous witness may consider himself as sacrificing private emotions to public justice and social order; and that he is performing an act at once beneficial to his country and to mankind. For political and moral economy can subsist in no community, without the steady execution of wise and salutary laws: and every atrocious act, perpetrated with impunity, operates as a terror to the innocent, a snare to the unwary, and an

incentive to the flagitious. The criminal, also, who evades the sentence of justice, like one infected with the pestilence, contaminates all whom he approaches. He, therefore, who, from false tenderness, or misguided conscience, has prevented conviction, by withholding the necessary proofs,\* is an accessory to all the evils which ensue. The maxim, that *it is better ten villains should be discharged than a single person suffer by a wrong adjudication*, is one of those partial truths which are generally misapplied, because not accurately understood. It is certainly eligible that the rules and the forms of law should be so precise and immutable, as not to involve the innocent in any decision obtained by corruption, or dictated by passion and prejudice; though this should sometimes furnish an outlet for the escape of actual offenders. The plea, also, may have some validity, in crimes of a nature chiefly political, (with which, however, the faculty can professionally have no concern,) such as coining and forgery, or in cases wherein the punishment much exceeds the evil or turpitude of the offence. For Lord Bacon has well observed, that “over-great penalties, besides their acerbity, deaden the execution of the law.”† And when they are

\* “The oath administered to the witness is not only that ‘what he deposes shall be true, but that he shall also depose the whole truth: So that he is not to conceal any part of what he knows, whether interrogated particularly to that point or not.’—Blackstone, book iii. ch. xxiii.

† See proposal for amending the Laws of England.—Bacon’s Works, 4to. vol. ii. p. 542.

discovered to be unjustly inflicted, its authority is impaired, its sanctity dishonoured, and veneration gives place to disgust and abhorrence.

But the dread of *innocent blood being brought upon us*, by explicit and honest testimony, is one of those superstitions which the nurse has taught, and which a liberal education ought to purge from the mind: and if, in the performance of our duty, innocence should unfortunately be involved in the punishment of guilt, we shall assuredly stand acquitted before God and our own consciences. The convict himself, lamentable as his fate must be regarded, may derive consolation from the reflection, that, though his sentence be unjust, “ he falls for his country, whilst he  
“ suffers under the operation of those rules, by the  
“ general effect and tendency of which the welfare of  
“ the community is maintained and upheld.”\*

XX. When professional testimony is required, in cases of such peculiar malignity as to excite general horror and indignation, a virtuous mind, even though scrupulous and timid, is liable to be influenced by too violent impressions; and to transfer to the accused that dread and aversion, which, before conviction, should be confined to the crime, and as much as possible withheld from the supposed offender. If the charge, for instance, be that of parricide, accomplished by poison, and accompanied with deliberate malice, ingratitude, and cruelty; the investigation should be made with calm and unbiassed precision, and

\* Paley's Moral and Political Phil. b. vi. ch. ix. p. 553, 4to.

the testimony delivered with no colouring of passion, nor with any deviation from the *simplicity of truth*. When *circumstantial proofs* are adduced, they should be arranged in the most lucid order, that they may be contrasted and compared, in all their various relations, with facility and accuracy; and that their weight may be separately and collectively determined in the balance of justice. For, in such evidence, there subsists a regular gradation from the slightest presumption to complete moral certainty: and if the witness possess sufficient information in this branch of philosophical and juridical science, he will always be competent to secure himself, and on many occasions the court also, from fallacy and error. The Marquis de Beccaria has laid down the following excellent theorems, concerning judicial evidence:—

“ When the proofs of a crime are dependent on each  
“ other, that is, when the evidence of each witness,  
“ taken separately, proves nothing; or when all the  
“ proofs are dependent upon one, the number of  
“ proofs neither increases nor diminishes the proba-  
“ bility of the fact; for the force of the whole is no  
“ greater than the force of those on which they de-  
“ pend; and if this fail, they all fall to the ground.  
“ When the proofs are independent of each other,  
“ the probability of the fact increases in proportion to  
“ the number of proofs; for the falsehood of one  
“ does not diminish the veracity of another. . . . .  
“ The proofs of a crime may be divided into two  
“ classes, perfect and imperfect. I call those perfect,

“ which exclude the possibility of innocence; imperfect, those which do not exclude this possibility.  
“ Of the first, one only is sufficient for condemnation;  
“ of the second, as many are required as form a perfect proof; that is to say, each of these, separately taken, does not exclude the possibility of innocence;  
“ it is nevertheless excluded by their union.”\*

\* Beccaria's Essay on Crimes and Punishments, ch. xiv.

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AN  
APPENDIX:

CONTAINING,

I. *A DISCOURSE,*

ADDRESSED TO

THE GENTLEMEN OF THE FACULTY, THE OFFICERS, THE  
CLERGY, AND THE TRUSTEES OF THE INFIRMARY  
AT LIVERPOOL,  
ON THEIR RESPECTIVE HOSPITAL DUTIES.

BY THE

Rev. THOMAS BASSNETT PERCIVAL, LL. B.

Of St. John's-College, Cambridge; Chaplain to the Marquis of Waterford; and to the  
Company of British Merchants at St. Petersburg.

II. *NOTES AND ILLUSTRATIONS.*

. . . . " Lo ! a goodly Hospital ascends,  
" In which they bade each lenient aid be nigh,  
" That could the sick bed smooth of that sad company.  
" It was a worthy edifying sight,  
" And gives to human kind peculiar grace,  
" To see kind hands attending day and night,  
" With tender ministry, from place to place:  
" Some prop the head; some, from the pallid face  
" Wipe off the faint cold dews weak nature sheds;  
" Some reach the healing draught; the whilst to chase  
" The fear supreme, around their soften'd beds,  
" Some holy man by prayer all opening heaven disparts."

THOMSON'S Castle of Indolence; Canto ii.

A  
DISCOURSE  
ON  
HOSPITAL DUTIES:  
BEING AN  
ANNIVERSARY SERMON,

PREACHED IN MAY 1791;

FOR THE BENEFIT OF THE INFIRMARY AT LIVERPOOL.\*

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*“ Let us not be weary in well doing, for in due season we shall  
“ reap, if we faint not.”—GALAT. vi. 9.*

IF we consider the circumstances of man, as placed in this great theatre of action; as connected with his fellow-creatures by various ties and relations; and with God himself, his creator and judge: if we consider the powers and faculties with which he is endowed, and that these are talents committed to his trust, capable of indefinite degrees of improvement, and which the LORD, at his coming, will demand with usury; we shall see the fullest reason for the apostolical injunction, *be not weary in well doing*, and

\* See Notes and Illustrations, No. XX.

rejoice in the assurance, that *in due season we shall reap, if we faint not*. The sphere of human duty has no limits to its extent. Every advance in knowledge widens its boundaries; every increase of power and wealth multiplies and diversifies the objects of it; and length of years evinces their unceasing succession. Therefore, *whatsoever thy hand findeth to do, do it with all thy might*. Vigour and perseverance are essential to every noble pursuit; and no virtuous effort is in vain. To be discouraged by opposition; to be alarmed by danger; or overcome by difficulty, is a state of mind unfitted for the Christian warfare.

But the present interesting occasion calls for a specific application of the precept contained in our text. What is just and true, concerning the whole duty of man, must be equally just and true of every individual branch of moral and religious obligation: and it can require no deep research, no abstruse investigation, to work conviction on our minds, that the higher is the object we have in view, the more active and incessant should be our exertions in the attainment of it. The institution, which now claims your most serious attention, is founded on the *wisest policy*; adapted to the noblest purposes of *humanity*; and capable of being rendered subservient to the *everlasting welfare* of mankind.

The *wisdom* of such charitable foundations can admit of no dispute. On the lower classes of our fellow-citizens alone, we depend for food, for raiment, for the habitations in which we dwell, and for



all the conveniences and comforts of life. But health is essential to their capacity for labour; and in this labour, I fear, it is too often sacrificed. An additional obligation, therefore, to afford relief, springs from so affecting a consideration. He who at once toils and suffers for our benefit, has a multiplied claim to our support; and to withhold it, would be equally chargeable with folly, ingratitude, and injustice.

But *humanity* prompts, when the still voice of wisdom is not heard. Sickness, complicated with poverty, has pleas, that to a feeling mind are irresistible. *To weep with those that weep*, was the character of our Divine Master; and, to the honour of our nature, we are capable of the same generous sympathy. Vain and idle, however, are the softest emotions of the mind, when they lead not to correspondent actions: and he who views the naked, without clothing them, and those who are sick, without ministering unto them, incurs the dreadful denunciation, *Depart from me, ye cursed, into everlasting fire, prepared for the devil and his angels. For inasmuch as ye did it not to one of the least of these my brethren, ye did it not unto me.*

It were an easy and pleasing task to enlarge on these general topics. But they come not sufficiently “home to men’s business and bosoms:” and honoured as I am, by being thus called to the privilege of addressing you, I feel it incumbent on me to be more appropriate, by suggesting to your candid attention the distinct and relative duties attached to the several

orders, which compose this most excellent community. Permit me therefore to claim your indulgence, whilst I offer, with all deference and respect, but with the plainness and freedom of gospel sincerity, a few words of exhortation :

I. TO THE FACULTY;

II. TO THE OFFICERS AND SUPERINTENDANTS;

III. TO THE CLERGY;

And lastly, TO THE GENERAL BODY OF TRUSTEES AND CONTRIBUTORS.

I. TO THE FACULTY. As man is placed by Divine Providence in a situation which involves a variety of interests and duties, often complicated and mixed together, the motives which influence human actions must necessarily be mixed and complicated. Wisdom and virtue consist in the selection of those which are fit and good, and in the arrangement of all by a just appreciation of their comparative dignity and importance. In the acceptance of your professional offices, in this Infirmary, it is presumed that you have been governed by the *love of reputation*; by the *desire of acquiring knowledge and experience*; and by that *spirit of philanthropy*, which delights in and is never weary of well-doing. Let us briefly consider each of these principles of action, and how they ought to be regulated.

If we analyze the *love of reputation*, as it exists in liberal and well-informed minds, it will be found to spring from the love of moral and intellectual excellence. For of what value is praise, when not founded

on desert? But the consciousness of desert, by the constitution of our nature, is ever attended with self-approbation: and this delightful emotion, which is at once the concomitant, and the reward of virtue, widely expands its operation, and by a social sympathy, encircles all who are the witnesses or judges of our generous deeds. From the same principle, piety itself derives its origin. For how shall he who loveth not, or is regardless of the approbation of his brother, whom he hath seen, love or regard the favour of **GOD, whom he hath not seen!**

But let us remember not to substitute for the legitimate and magnanimous love of fame, that spurious and sordid passion which seeks applause by gratifying the caprices, by indulging the prejudices, and by imposing on the follies of mankind. To court the public favour by adulation, or empirical arts, is meanness and hypocrisy; to claim it by high and assumed pretensions, is arrogance and pride; and to exalt our own character by the depreciation of that of our competitor, is to convert honourable emulation into professional enmity and injustice.

You have been elevated by the suffrages of your fellow-citizens: you have been honoured by their favour and confidence: rejoice in the distinction conferred upon you; fulfil with assiduity and zeal the trust reposed in you; and by being unwearied in well-doing, rise to higher and higher degrees of public favour and celebrity!

The *acquisition of knowledge and experience* is a farther incentive to your generous exertions in this receptacle of disease and misery. It is one important design of the institution itself; which affords peculiar advantages for ascertaining the operation of remedies, and the comparative merit of different modes of medical and chirurgical treatment. For the strict rules which are enjoined; the steadiness with which their observance is enforced; and the unremitting attendance of those who are qualified to make accurate observations, and to note every symptom, whether regular or anomalous, in the diseases under cure; are circumstances incompatible with the ordinary domestic care of the sick. To avail yourselves of them, therefore, is agreeable to sound policy and consonant to the purest justice and humanity. For every improvement in the healing art is a public good, beneficial to the poor as well as to the rich, and to the former in a proportionably greater degree, as they are more numerous, and consequently more frequently the objects of it. On this point, however, peculiar delicacy is required; and as the discretionary power with which you are entrusted, is almost without controul, it should be exercised with the nicest honour and probity. When novelties in practice are introduced, be careful that they are conformable to reason and analogy; that no sacrifice be made to fanciful hypothesis, or experimental curiosity; that the infliction of pain or suffering be, as much as possible,



avoided ; and that the end in view fully warrant the means for its attainment.

But your noblest call to duty and exertion arises from the exalted *spirit of philanthropy*: and on this occasion I may address you individually, in the language of the first of orators to the sovereign of imperial Rome: *Nil habet fortuna tua majus quam ut possis, nec natura melius quam ut velis, servare quam plurimos*. It is your honour and felicity to be engaged in an occupation which leads you, like our blessed LORD, during his abode on earth, to go about doing good ; healing the sick, and curing all manner of diseases. To you learning has opened her stores, that they may be applied to the sublimest purposes ; to alleviate pain ; to raise the drooping head ; to renew the roses of the cheek, and the sparkling of the eye ; and thus to gladden, whilst you lengthen life. Let this hospital be the theatre on which you display, with assiduous and persevering care, your science, skill, and humanity : and let the manner correspond with, and even heighten, the measure of your benevolence. With patience hear the tale of symptoms ; silence not harshly the murmurs of a troubled mind ; and by the kindness of your looks and words, evince that Christian condescension may be compatible with professional steadiness and dignity.

It is, I trust, an ill-founded opinion, that compassion is not the virtue of a surgeon. This branch of the profession has been charged with hardness of heart :



and some of its members have formerly justified the stigma, by ridiculing all softness of manners; by assuming the contrary deportment; and by studiously banishing from their minds that sympathy, which they falsely supposed would be unsuitable to their character, and unfavourable to the practical exercise of their art. But different sentiments now prevail. And a distinction should ever be made between true compassion, and that unmanly pity which enfeebls the mind; which shrinks from the sight of woe; which inspires timidity; and deprives him, who is under its influence, of all capacity to give relief. Genuine compassion rouses the attention of the soul; gives energy to all its powers; suggests expedients in danger; incites to vigorous action and difficulty; and strengthens the hand to execute, with promptitude, the purposes of the head. The pity which you should repress, is a turbulent emotion. The commiseration which you should cultivate, is a calm principle. It is benevolence itself directed forcibly to a specific object. And the frequency of such objects diminishes not, but augments its energy: for it produces a tone or constitution of mind, constantly in unison with suffering; and prepared, on every call, to afford the full measure of relief. Appear, therefore, to your patients to be actuated by that fellow-feeling, which nature, education, and Christianity require. Make their cases, in a reasonable degree, your own; *and whatsoever ye would that men should do unto you, do ye even so unto them.*

II. To you, the OFFICERS and SUPERINTENDANTS of this hospital, we may justly ascribe views the most pure and public-spirited. But zeal in the cause of charity, however sincere, can only be rendered usefully efficient by due attention to, and steady perseverance in, the wisest means for its accomplishment. On the mistaken humanity of crowding your wards with numerous patients, by which disease is generated, and death multiplied in all its horrors; on the fatal calculations of savings in medicines, diet, or clothing; and on a strict attention to ventilation, cleanliness, and all the domestic arrangements, which have order, utility, or comfort for their objects; I trust it is needless to enlarge. But you will suffer me, I hope, to offer a few hints on the *moral* and *religious* application of the Institution which you govern; a topic hitherto little noticed, though of high importance.

The visitation of sickness is a wise and kind dispensation of Providence, intended to humble, to refine, and to meliorate the heart: and its salutary influence extends beyond the sufferer, to those relatives and friends, whose office it is to minister unto him; exciting tenderness and commiseration; drawing closer the bonds of affection; and rousing to exertions, virtuous in their nature, profitable to man, and well-pleasing to God. A parent, soothed and supported under the anguish of pain, by the loving kindness of his children; a husband nursed with unwearied assiduity by the partner of his bed; a child experiencing

all the tendernefs of paternal and maternal love ; are f Situations which form the ground-work of domeftic virtue, and domeftic felicity. They leave indelible impreffions on the mind, impreffions which exalt the moral character, and render us better men, better citizens, and better Chriftians. It is wifdom, therefore, and duty, not to frustrate the benevolent conftitutions of Heaven, by diffolving the falutary connections of ficknefs, and transporting into a public afylum thofe who may, with a little aid, enjoy in their own homes, benefits and confolations which, elfewhere, it is in the power of no one to confer.\*

But numerous are the fufferers under ficknefs and poverty, to whom your hofpitable doors may be opened, with the higheft moral benefit to themfelves and to the community. When admitted within thefe walls, they form one great family, of which you are the heads, and confequently refponfible for all due attention to their prefent behaviour, and to the means of their future improvement. Withdrawn from the habitations of penury, floth, and dirtinefs; from the converfation of the loofe and the profligate; and from all their affiliates in vice, they may here form a tafte for the fweets of cleanlinefs; learn the power of bridling their tongues; and be induced, by this temporary abfence, to free themfelves from all farther connection with their idle and debauched companions. Let it be your fedulous care to fofter

\* See Notes and Illuftrations, .No. XXI.

these excellent tendencies: Encourage in the patients every attention to neatness: Tolerate no filth or slovenliness, either in their persons or attire: Keep a strict guard on the decency of their behaviour: Urge them to active offices of kindness and compassion to each other: Furnish the convalescents with bibles, and with books of plain morality, and practical piety, suited to their capacities and circumstances; and which will neither delude the imagination, nor perplex the understanding: Oblige them to a regular attendance on the public worship of the hospital, or of their respective churches: And, agreeably to your laws, neglect not to make provision for the stated and frequent administration of the holy sacrament. There is something in this office peculiarly adapted to comfort and fortify the mind, under the pressure of poverty, pain, and sickness. In the contemplation of that love which CHRIST manifested for us by his sufferings and death, all the consolation is experienced which divine sympathy can afford. *We have a high-priest touched with the feeling of our infirmities, and who holds forth to us this soothing invitation: Come unto me, all ye that are weary and heavy laden, and I will give you rest.* Promote the celebration of an ordinance, adapted thus to fill the mind with gratitude, and to alleviate every woe. And let the example of our Saviour's resignation to the appointment of God be enforced by it, who in his agony exclaimed, *Father, if it be thy will, let this cup pass from me; nevertheless, not my will, but thine be done.*



III. I doubt not the cordial and entire concurrence of you, my REV. BRETHREN, the CLERGY who officiate in this hospital, in the recommendation of the holy sacrament, not only as a stated, but as a frequent ordinance of the Institution. With you it will rest to obviate every objection to the rite, and to give it the full measure of spiritual efficacy. Enthusiasm and superstition cannot be dreaded in the offices of rational piety, conducted by those who are rational and pious: and you will neither betray men into false confidence, nor alarm them, when languishing under sickness and pain, with unseasonable terrors. *The spirit of a man will sustain his infirmity, but a wounded spirit who can bear?* Under such circumstances, vain will be the aid of skill or medicine, without the supports and comforts, which it is your sacred function to afford. You can

----- “minister to a mind diseased;  
 “Pluck from the memory a rooted sorrow,  
 “Raze out the written troubles of the brain;  
 “And, with some sweet oblivious antidote,  
 “Cleanse the full bosom of that perilous stuff  
 “Which weighs upon the heart.” SHAKESPEARE.

Being thus the *Physicians* of the soul, you are essential constituents of this enlarged system of philanthropy. Apply, therefore, with diligence and zeal, the spiritual *medicines* which it is your office to dispense. Here you have a wide field *for exhortation, for correction, and for instruction in righteousness*. Convalescence peculiarly furnishes the *molliora tempora*



*fandi*, the soft seasons of impressive counsel. The mind is then open to serious conviction; disposed to review past offences with contrition; and to look forward with sincere resolutions of amendment. Many diseases are the immediate consequences of vice; and he who has recently experienced the sufferings of guilt, will deeply feel its enormity; and cherish those precepts, which will secure him from relapse, and convert his past misery into future blessings.

IV. But this large aggregate of good, which it is the design of the present anniversary to commemorate, depends, for its support and extension, on the GENERAL BODY OF CONTRIBUTORS to the charity. How deeply interesting, then, are the claims which your fellow-citizens have to make on your philanthropy! How important is it to the health of thousands, in rapid succession, that you should persevere in beneficence, and continue unwearied in well doing! Ordinary bounty terminates almost in the moment when it is bestowed. The object of it being withdrawn, solicitude and responsibility are no more. But in this noble Institution, charity exerts itself in steady and unceasing operations. It is a stream ever full, yet ever flowing; and through the grace of GOD, I trust, will be inexhaustible. From your zeal, your concord, and liberality, these SACRED *waters of life* proceed. Be watchful that they are not poisoned in their source, nor contaminated in their progress. Let your *zeal* be employed in searching out and recommending proper objects of relief.

*Call to you, according to the injunction of our Saviour, the halt, and the maimed, the lame, and the blind; for they cannot recompense you: Ye shall be recompensed at the resurrection of the just.* Suffer no prejudices, either political or religious, to contract the bounds of your charity. *Pass not by on the other side from a fellow-creature who has fallen among thieves, because he is not of your party, of your sect, or even of your nation.* But, like the good Samaritan, *have compassion on him, and let oil and wine be poured into his wounds* in this hospitable *Bethesda*. Guard, most sedulously guard, against the spirit of dissension. You are united in the labours of Christian love; and having one common and glorious cause, the contest should be for pre-eminence in doing good, not for the gratification of pride, the indulgence of resentment, or even for the interests of friendship.\* To your liberality in contribution no appeal can be required, no new incitement can be urged. What your judgment approves, what experience has sanctioned, and what touches the tenderest feelings of your hearts, must have pleas that are irresistible.

It only remains, then, that we cordially unite in offering our devout supplications to the throne of grace, in behalf of all those *who are afflicted or distressed in mind, body, or estate; that it may please the God of all consolation to relieve them, according to their several necessities; giving them patience under their sufferings, and a happy issue out of all their*

\* See Notes and Illustrations, No. XXII.

*afflictions : And finally, that we may be delivered from all hardness of heart ; from all covetous desires, and inordinate love of riches ; and, having been taught that all our doings, without charity, profit nothing, that this most excellent gift, the bond of peace, and of all virtues, may be poured into us abundantly, through the merits and mediation of our blessed Lord and Saviour.*

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# NOTES

AND

## ILLUSTRATIONS.

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*Note I. Preface. Page 367.*

### HOSPITAL AT MANCHESTER.

THIS institution comprehends an Infirmary, Lunatic Hospital, and Dispensary; and has now connected with it a House of Recovery, for the reception of patients ill of contagious fevers. It provides, also, for inoculation, both variolous and vaccine; and for the delivery of pregnant women at their own habitations, in cases certified by the ordinary midwives to be attended with great difficulty and danger. From the 24th of June 1792, to the 24th of June 1802, the in-patients, admitted during the space of ten years, amounted to 3083; of which number 361 died:—the out-patients amounted to 31,890; of which number 676 died:—the home-patients amounted to 24,439; of which number 1970 died. The Lunatic Hospital was established in



the year 1766; from which time to June 24th, 1802, the patients admitted have amounted to 1575. Of this number 627 have been cured; 212 have been relieved; 488 have been discharged at the request of their friends; 171 have died; 8 have been deemed incurable; and 69 remained in the house on the 24th of June 1802. The House of Recovery, for the admission of patients ill of contagious fever, is appropriated to those, who, from extreme penury, are incapable of receiving proper aid in their own close and noisome habitations, or who are liable to communicate contagion to a numerous family, and, if in a crowded neighbourhood, even to perpetuate its virulence. It is attended by the physicians of the Infirmary; and is furnished with wine and medicines from the funds of that charity; but all the other expences are defrayed by an establishment, entitled the BOARD OF HEALTH, which commenced in the spring of 1796.

The general objects of this benevolent Institution are threefold. I. To obviate the generation of diseases. II. To prevent the spread of them by contagion. III. To shorten the duration of existing diseases; and to mitigate their evils, by affording the necessary aids and comforts to those who labour under them.—I. Under the first head are comprehended—the inspection and improvement of the general accommodations of the poor;—the prohibition of such habitations, as are so close, noisome, or damp, as to be incapable of being rendered tolerably

salubrious:—the removal of privies placed in improper situations;—provision for white-washing and cleansing the houses of the poor twice every year: attention to their ventilation by windows with open casements, &c.:—the inspection of cotton-mills, or other factories, at stated seasons; with regular returns of the condition as to health, clothing, appearance, and behaviour of the persons employed in them; of the time allowed for their refreshment, at breakfast and dinner; and of the accommodations of those who are parochial apprentices, or who are not under the immediate direction of their parents or friends:—the limitation and regulation of lodging-houses; on the establishment of *caravanseras* for passengers, or those who come to seek employment, unrecommended or unknown:—the establishment of public warm and cold baths; provision for particular attention to the cleaning of the streets, which are inhabited by the poor; and for the speedy removal of dunghills, and every other species of filth:—the diminution, as far as is practicable, of noxious effluvia from different sources, such as those which arise from the work-houses of the fellmonger, the yards of the tanner, and the slaughter-houses of the butcher:—the superintendence of the several markets; with a view to prevent the sale of putrid flesh or fish, and of unsound flour, or other vegetable productions.

Under the second general head are included—the speed removal of those who are attacked with symptoms of fever, from the cotton-mills, or factories, to

the habitations of their parents or friends, or to commodious houses which may be set apart for the reception of the sick, in the different districts of Manchester:—the requisite attentions to preclude unnecessary communications with the sick, in the houses wherein they are confined; and to the subsequent changing and ventilation of their chambers, bedding, and apparel:—and the allowance of a sufficient time for perfect recovery, and complete purification of their clothes, before they return again to their works, or mix with their companions in labour. III. Under the third head are comprehended—medical attendance:—the care of nurses:—and supplies of medicine, wine, appropriate diet, fuel, and clothing.

From the opening of the House of Recovery on the 31st of May 1796, to the 31st of May 1802, 3210 patients have been admitted; of whom 2939 have been cured; and 271 have died.

*Note II. Preface. Page 2.*

DISTRIBUTION OF PRINTED COPIES OF THE  
MEDICAL ETHICS.

When it was first recommended to me to enlarge and publish this code of professional Ethics, I felt extremely difficult in the adoption of an undertaking so liable to the charge of presumption, in an individual

conscious of inadequate powers, and possessing no claim or authority to dictate rules to his medical brethren. With much solicitude, therefore, I availed myself of the aid and support of various judicious and learned friends, in different stations of life, by communicating to them printed copies of the general scheme. And I record not only with *gratitude*, but as the *necessary sanction* of my work, the names of those who have honoured it with their approbation or assistance. John Aikin, M. D.; Sir George Baker, bart.; S. A. Bardley, M. D.; Thomas Butterworth Bayley, esq.; Foster Bower, esq; barrister; John Cross, esq; barrister; James Currie, M. D.; Erasmus Darwin, M. D.; William Falconer, M. D.; John Ferriar, M. D.; Rev. Thomas Gisborne, M. A.; John Haygarth, M. D.; William Heberden, M. D.; Mr. Thomas Henry; Samuel Heywood, esq; serjeant at law; Edward Holme, M. D.; George Lloyd, esq; barrister; Rev. Archdeacon Paley; Sir G. O. Paul, bart.; Robert Percival, of Dublin, M. D.; Mr. Simmons; Richard Warren, M. D.; Right Rev. Richard Watson, D. D. Bishop of Landaff; Charles White, esq; and William Withering, M. D.

If it were not from the apprehension of swelling this long list of names, I should not omit the present opportunity of expressing my grateful acknowledgments to many other respectable friends, to whom copies of the Medical Ethics were transmitted, subsequently to the first circulation of the scheme.



*Note III. Chap. I. Sect. XVI.*

SITUATION, CONSTRUCTION, AND GOVERNMENT  
OF HOSPITALS.

“ In the town of Funchal, in the island of Ma-  
 “ deira, the Infirmary in particular drew our attention,  
 “ as a model which might be adopted in other coun-  
 “ tries with great advantage. It consists of a long  
 “ room, on one side of which are the windows, and  
 “ an altar for the convenience of administering the  
 “ sacrament to the sick. The other side is divided  
 “ into wards, each of which is just big enough to  
 “ contain a bed, and neatly lined with gally-tiles.  
 “ Behind these wards, and parallel to the room in  
 “ which they stand, there runs a long gallery, with  
 “ which each ward communicates by a door; so that  
 “ the sick may be separately supplied with whatever  
 “ they want, without disturbing their neighbours.”  
 —See *Voyages round the World*, published by Dr.  
 Hawkesworth, vol. ii. page 8.

In the year 1790, I was consulted concerning the situation, structure, and government of a large county-hospital, about to be erected; and I shall here insert the hints, which I then suggested.

The SITUATION must, in some measure, be dependent on local circumstances: but, as far as is compatible with these, it should be dry, airy, moderately



elevated, at a commodious distance from the town, and well supplied with salubrious water. If swampy grounds happen to be in the neighbourhood, particular attention should be paid to the winds which most frequently prevail, that it may be as little as possible influenced by the vapours those winds are likely to convey. The same precaution is applicable to the smoke of the town. The hospital at Manchester is three-fourths of the year involved in smoke, by being erected on the eastern side of the town; an evil which might easily have been avoided by the choice of an opposite site.

The STRUCTURE includes accommodation and ventilation: and the form best adapted (*mutatis mutandis*) to these essential purposes appears to be that of the new prison at Manchester, which is constructed on the well-known plan of Mr. Howard. The building which forms the gateway, will afford a large and commodious room above, for the governors of the charity; and below, a shop for the apothecary; and a hall for the reception of out-patients, who would thus have no communication with the Infirmary, and consequently incur no risque either of bringing or carrying back with them febrile or other contagion. The central part of the building is well adapted for kitchens and other offices, over which the chapel might be constructed. The four *radii*, or buildings which project from the centre, might each contain six wards, fifteen feet square by thirteen high, in each story, with a gallery interposed. No ward should

have more than two beds in it ; for the contamination of the air arises chiefly from the crowding too many sick persons in one chamber: and contagion not only spreads by this means, but the patients sustain great injury from the multiplied spectacles of suffering to which they are witnesses in the large apartments of an hospital. Small chambers, also, have the advantage of being quickly ventilated. The three stories should be of the same height ; and if the roof be lined with boards under the slates, the temperature of the highest story will be much less than usually affected by the heat of summer, or cold of winter. In each gallery a room should be set apart for the convalescents, and for those patients who are able to quit their bed-chambers occasionally in the day-time.

In the provision for ventilating the wards, it should be remembered, that though adequate supplies of FRESH AIR are essential to its purity, the *temperature* of it, also, must be regarded with a view to salubrity. For cold is not only ungrateful to the feelings of the sick, commonly very acute, but in many diseases injurious by its sedative action: and it has often been suspected of giving energy to infection. The ventilation, too, should be accomplished without any current of wind perceptible by the patients; who, being ignorant of the nature and effects of contagion, have no apprehension of danger from it, but entertain strong prejudices against a flow of cool air; especially when in bed, or asleep. These prejudices, if they are to be deemed such, claim not only tenderness, but

indulgence. For though silenced by authority, as I have before observed, they will operate secretly and forcibly on the mind, creating fear, anxiety, and watchfulness.

The GOVERNMENT of the hospital is an object of great importance, and will demand very mature consideration. The system adopted in most of our charitable institutions appears to me neither sufficiently comprehensive nor efficient; and some unhappy disputes in the Manchester Infirmary induced me to draw up the following propositions, for the consideration of the trustees:—

I. A committee, for the purpose of mediation, superintendence, and improvement, should be chosen by ballot from among the trustees: it should consist of nine gentlemen of talents, respectability, and independence, to give dignity and authority to their proceedings: it should be stiled the COUNCIL of the Infirmary; or be distinguished by some other honourable and expressive appellation: and, when regularly convened, five members should be competent to transact business.

II. No officer of the Infirmary, nor any physician or surgeon belonging to it, should be eligible into the council.

III. No member of the council should continue in office more than three years: three members should annually go out of office, and three others be chosen in their room; and the same gentlemen may be re-elected after the expiration of one or more years.

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IV. The council should be a board of arbitration, for adjusting whatever differences or disputes may arise between the several members of the Infirmary: it should take cognizance of every thing relative to the polity of this institution, and of its appendages, the Lunatic Hospital, and Dispensary: it should inquire into the progress and present state of the charity: it should suggest to the annual board of trustees such improvements as may be deemed expedient: and it should receive, methodize, and deliberate upon the several laws or regulations which may be proposed by the weekly board, or by any individual trustee, according to the prescribed form of notice, previous to a final decision.

V. The council should be convened fourteen days before each quarterly board, or oftener, if necessary: they should then communicate to the physicians and surgeons of the Infirmary whatever laws or regulations, relative to the medical or chirurgical departments, fall under their discussion: and they should attend, either personally or by their chairman, the succeeding quarterly or annual board, to state the result of their investigations, and to assist the deliberations or decisions of the general body of trustees.

VI. The physicians and surgeons of the Infirmary should be requested to form themselves into a committee, to aid the council with their experience, knowledge, and advice; and to take into consideration whatever laws or regulations may be proposed, rela-



tive to their peculiar departments, before they be referred to the decision of the general body of trustees.

VII. The meetings of the committee of physicians and surgeons should be held the day after the assembly of the council: and they should deliver, in writing, by the senior physician or surgeon, the result of their deliberations, in due time before the succeeding annual or quarterly board, to an adjourned meeting of the council.

N. B. The council may be either a permanent or a temporary institution, and subsist only during the space of two or three years, being renewable at stated periods of time, or whenever emergencies shall require such an establishment.

*Note IV. Chap. I. Sect. XXVI.*

HOUSE OF RECEPTION FOR PATIENTS ILL OF  
CONTAGIOUS FEVERS.

In Note, No. I. it has been stated that a house of reception for patients ill of infectious fevers now forms part of the system of the Manchester Dispensary. To aid the establishment of similar institutions in other places, I shall insert the regulations which form the polity of the house.



REGULATIONS FOR THE ADMISSION OF PATIENTS  
INTO THE HOUSE OF RECOVERY.

I. The physician of the Infirmary shall be authorised to give one or two shillings, from the funds of the institution, (by a ticket to the secretary of the Board of Health,) to the person who shall furnish the earliest information of the appearance of fever in any poor family, within the limits of their respective districts.

II. As soon as the secretary has received this ticket, he shall apply, or take care that application be made, to some trustee of the Board of Health, living within the district, and who is a subscriber to the Infirmary, for an immediate recommendation of the sick person as an home patient.

III. Such patients as the physicians shall deem peculiar objects of recommendation, either on account of their extreme poverty, or of the close and crowded state of their habitations, shall be conveyed in a sedan-chair (provided with a moveable washing lining, kept for this sole purpose, and distinguished by proper marks) to the House of Recovery.

IV. The physicians shall be requested to form the necessary regulations, for the domestic government of the families of the home-patients, afflicted with fever.

V. A reward, to the amount of            shall be given to the heads of the family, after the cessation of the fever, on condition that they have faithfully

observed the rules prescribed for cleanliness, ventilation, and the prevention of infection amongst their neighbours. This reward shall be doubled in cases of extraordinary danger, and when the attentions have been adequate and successful.

VI. After the visitation of fever has ceased in any poor dwelling-house, the sum of \_\_\_\_\_, or a sufficient sum, shall be allowed (to be expended under the direction of an inspector) for white-washing and cleansing the premises, and for the purchase of new bed-clothes, or apparel, in lieu of such as it may be deemed necessary to destroy, to obviate the continuance or propagation of fever.

VII. An inspector shall be appointed in each district of the Infirmary, to aid the execution, and to enforce the observance, of the foregoing regulations. And the gentlemen of the Strangers' Friend Society shall be requested to undertake this office.

#### INTERNAL REGULATIONS FOR THE HOUSE OF RECOVERY.

I. Every patient, on admission, shall change his infectious, for clean, linen; the face and hands are to be washed clean with lukewarm water, and the lower extremities fomented.

II. The clothes brought into the house by patients shall be properly purified and aired.

III. All linen and bed-clothes, immediately on being removed from the bodies of the patients, shall be immerfed in cold water, before they are carried down stairs.

IV. All discharges from the patients shall be removed from the wards without delay.

V. The floors of the wards shall be carefully washed twice a week, and near the beds every day.

VI. Quick-lime shall be flaked in large open vessels in every ward, and renewed whenever it ceases to bubble on the affusion of water. The walls and roofs shall be frequently washed with this mixture.

VII. No relation or acquaintance shall be permitted to visit the wards, without particular orders from one of the physicians.

VIII. No strangers shall be admitted into the wards; and the nurses shall be strictly enjoined not to receive unnecessary visits.

IX. No linen or clothes shall be removed from the House of Recovery till they have been washed, aired, and freed from infection.

X. No convalescents shall be discharged from the house, without a consultation of the physicians.

XI. The nurses and servants of the house shall have no direct communication with the Infirmary; but shall receive the medicines in the room already appropriated to messengers from the home patients.

XII. The committee of the Strangers' Friend Society shall be requested to undertake the office of inspecting the House of Recovery.

XIII. A weekly report of the patients admitted and discharged shall be published in the Manchester newspapers.

XIV. When a patient dies in the wards, the body shall be removed as soon as possible into a room appropriated to that use; it shall then be wrapt in a pitched cloth, and the friends shall be desired to proceed to the interment as early as is consistent with propriety.

XV. All provisions and attendance for the patients in this House of Recovery shall be provided from the funds of this institution, without any communication with the Infirmary.

The establishment of fever-wards was proposed in 1774, and a few years afterward carried into complete execution by my excellent and truly philanthropic friend Dr. Haygarth; whose life has been actively devoted to the promotion of science, the improvement of his profession, and the general good of mankind. The reader will find in his writings views concerning the nature, causes, and prevention of contagion, derived from philosophic principles, and confirmed by extensive and accurate observation.\* These interesting subjects have lately, in a peculiar degree, engaged the attention, and employed the pens, of various other distinguished writers, as appears by the works of Dr. Wall, Dr. Currie, Dr. Ferriar, and Dr. Clark.†

\* See Haygarth's Enquiry how to prevent the Small-Pox; Sketch of a Plan to exterminate the casual Small-Pox; Letter to Dr. Percival on the Prevention of Infectious Fevers.

† See the Reports of the Society for bettering the Condition and Increasing the Comforts of the Poor; Dr. Stanger's Remarks on

*Note V. Chap. I. Sect. XXXI.*

## CAUTION OR TEMERITY IN PRACTICE.

It is the observation of an elegant writer on the subject of morals, and applicable to medical practice, that “the best character is that which is not swayed by temper of any kind; but alternately employs enterprize and caution, as each is useful to the particular purpose intended. Such is the excellence which St. Evremond ascribes to Marechal Turenne; who displayed every campaign, as he grew older, more temerity in his military enterprises; and being now, from long experience, perfectly acquainted with every incident in war, he advanced with greater firmness and security, in a road so well known to him.”\* Yet it is said of the great Duke of Marlborough, that ten years of such uninterrupted and splendid success as no other general could boast of, never betrayed him into a single rash action.†

That boldness in medical practice is more frequently the antecedent than the consequence of experience, is a melancholy truth; for it is generally founded

the Necessity and Means of suppressing Contagious Fever; also Thoughts on the Means of preserving the Health of the Poor, by the Rev. Sir W. Clarke, bart.; and several other valuable modern works.

\* Hume's Essays, vol. ii. p. 284.

† See Smith's Theory of Moral Sentiments, vol. ii. p. 158.



either on theoretical dogmas, or on pride which disclaims authority. To the consideration of physicians, who are thus prematurely confident in their own powers, the remark of Lord Verulam may be recommended. “ This is well to be weighed, that boldness is ever blind; for it seeth not dangers and inconveniences; therefore it is ill in counsel, good in execution: so that the right use of bold persons is, that they never command in chief, but be seconds, and under the direction of others. For in counsel it is good to see dangers; and in execution not to see them, except they be very great.”

*Note VI. Chap. II. Sect. II.*

TEMPERANCE OF PHYSICIANS.

“ Though much has been said, and with some truth, of the good effects of wine in producing rapidity and vivacity of thought, it has scarcely ever been pretended that it favoured the exercise of discrimination and judgment. The only persons in whom it has ever been supposed not to have the opposite effects, are some gentlemen of the faculty. The ignorant vulgar would think, *a priori*, that, *cæteris paribus*, a physician who was sober, would attend more accurately to the case of his patient, and compare and distinguish all circumstances better, and judge more soundly, and prescribe more

“rationally, than he could do when he was drunk. But some physicians, who should be supposed to know themselves best, and who certainly must have known how they acquitted themselves in those different situations, have boasted that they prescribed as well drunk as sober. In this they could not be mistaken; for, whether we consider the matter physically or logically, their boast amounts precisely to this, that they prescribed no better when they were sober than they did when they were drunk; which is undoubtedly a noble accomplishment; but it is not surely either wonderful or rare.”\*

Tacitus, in his admirable treatise *De Moribus Germanorum*, has stated, that those nations—*de reconciliandis invicem inimicis, et jungendis affinitatibus, et adsciscendis principibus, de pace denique ac bello, plerumque in conviviiis consultant: tamquam nullo magis tempore aut ad simplices cogitationes pateat animus, aut ad magnas incalescat. Gens non astuta nec callida aperit adhuc secreta pectoris licentiâ loci. Ergo detecta et nuda omnium mens posterâ die retractatur; et salva utriusque temporis ratio est. Deliberant dum fingere nesciunt: constituunt dum errare non possunt.*†

\* See the Introduction to Philosophical and Literary Essays, by Dr. Gregory, of Edinburgh, p. 187.

† Taciti Opera à Lipsio. fol. 1627, p. 444.—The learned editor observes, in his note on this passage, *Persarum similis mos, et Cretensum, et Græcorum omnium veterum.*

In deliberation, it may, on some peculiar occasions, be of importance to break off all former strong associations. A fit of drunkenness accomplishes this fully: sleep has the same tendency; and hence the proverb, *I will sleep upon it*. But such deliberation bears no analogy to what is required from a physician, when he is to consider the case of a patient.

“ Universal temperance,” says Mr. Gisborne, “ both in eating and drinking, is particularly incumbent on a physician in every period of his practice; not merely as being essentially requisite to preserve his faculties in that alert and unclouded state, which may render him equally able at all times to pronounce on the cases which he called to inspect, but because it is a virtue which he will very frequently find himself obliged to inculcate on his patients; and will inculcate on them with little effect, if it be not regularly exemplified in his own conduct.”\*

*Note VII. Chap. II. Sect. III.*

“ A PHYSICIAN SHOULD BE THE MINISTER OF HOPE AND COMFORT TO THE SICK.”

Mr. Gisborne, in one of his interesting letters to me on the subject of Medical Ethics, suggests, that it would be adviseable to add, *as far as truth and sin-*

\* Duties of Men, vol. ii. p. 139. Note.

cerity will admit. "I know very well," says he, "that the sentence, as it now stands, conveys to you, "and was meant by you to convey to others, the "same sentiment which it would express after the "proposed addition. But if I am not mistaken in "my idea, that there are few professional temptations "to which medical men are more liable, and frequently from the very best principles, than that of "unintentionally using language to the patient and "his friends more encouraging than sincerity would "vindicate on cool reflection; it may be right scrupulously to guard the avenues against such an error."

In the *Enquiry into the Duties of Men*, the same excellent moralist thus delivers his sentiments more at large. "A professional writer, speaking, in a work "already quoted,\* respecting the performance of "surgical operations in hospitals, remarks, that it "may be a salutary as well as an humane act, in the "attending physician, occasionally to assure the patient "that every thing goes on well, *if that declaration can be made with truth*. This restriction, so properly applied to the case in question, may with equal propriety be extended universally to the "conduct of a physician, when superintending operations performed, not by the hand of a surgeon, but "by nature and medicine. Humanity, we admit, "and the welfare of the sick man commonly require, "that his drooping spirits should be revived by every

\* Percival's Medical Ethics, chap. i.



“encouragement and hope, which can honestly be  
“suggested to him. But truth and conscience for-  
“bid the physician to cheer him by giving pro-  
“mises, or raising expectations, which are known,  
“or intended, to be delusive. The physician may  
“not be bound, unless expressly called upon, in-  
“variably to divulge, at any specific time, his opinion  
“concerning the uncertainty or danger of the case:  
“but he is invariably bound never to represent the  
“uncertainty or danger as less than he actually be-  
“lieves it to be; and whenever he conveys, directly  
“or indirectly, to the patient or to his family, any  
“impression to that effect, though he may be misled  
“by mistaken tenderness, he is guilty of positive  
“falsehood. He is at liberty to say little; but let  
“that little be true. St. Paul’s direction, *not to do*  
“*evil that good may come*, is clear, positive, and  
“universal.”\*

Whether this subject be viewed as regarding general morality, or professional duty, it is of high importance; and we may justly presume, that it involves considerable difficulty and intricacy, because opposite opinions have been advanced upon it by very distinguished writers. The ANCIENTS, though sublime in the abstract representations of virtue, are seldom precise and definite in the detail of rules for its observance. Yet in some instances they extend their precepts to particular cases: and Cicero, in the Third

\* Duties of Men, vol. ii. p. 142.



Book of his Offices, expressly admits of limitations to the absolute and immutable obligation of fidelity and truth.

The maxim of the poet, also, may be adduced as intended to be comprehensive of the moral laws by which human conduct is to be governed:

——— “Sunt certi denique fines,  
“Quos ultrá citráque nequit consistere rectum.”†

The early FATHERS of the Christian church, Origen, Clement, Tertullian, Lactantius, Chrysostom, and various others, till the period of St. Augustine, were latitudinarians on this point. But the holy father last mentioned, if I mistake not, in the warmth of his zeal, declared that he would not utter a lie, though he were assured of gaining heaven by it. In this declaration there is a fallacy, by which Augustine probably imposed upon himself. For a lie is always understood to consist in a *criminal* breach of truth, and therefore under no circumstances can be justified. It is alleged, however, that falsehood may lose the essence of lying, and become even praise-worthy, when the adherence to truth is incompatible with the practice of some other virtue of still higher obligation. This opinion almost the whole body of CIVILIANS adopt, with full confidence of its rectitude. The sentiments of Grotius may be seen at large in the fa-

† Horat. Sat. lib. i. Sat. i. 106.

tisfactory detail which he has given of the controversy relating to it.\*

Puffendorff, who may be regarded as next to this great man in succession as well as authority, delivers the following observations in his *Law of Nature and Nations*, which are pointedly applicable to the present subjects, yet carried assuredly to a very reprehensible extent: “ Since those we talk to may often be in  
“ such circumstances, that if we should tell them the  
“ downright truth of the matter, it would prejudice  
“ them, and would incapacitate us for procuring that  
“ lawful end we propose to ourselves for their good ;  
“ we may in these cases use a fictitious or figurative  
“ way of speech, which shall not directly represent  
“ to our hearers our real thoughts and intentions: for  
“ when a man is desirous, and it is his duty, to do a  
“ piece of service, he is not bound to take measures  
“ that will certainly render his attempts unsuccessful.”†—“ Those are by no means guilty of lying,  
“ who, for the better information of children, or  
“ other persons not capable of relishing the naked  
“ truth, entertain them with fictions and stories: nor  
“ those who invent something that is false, for the  
“ sake of a good end, which by the plain truth they  
“ could not have compassed ; as, suppose, for pro-  
“ tecting an innocent, for appeasing a man in his

\* See the second, third, and fourth paragraphs of the 10th Sect. cap. 1, lib. 3, of Grotius de Jure Bell. ac Pac.—Also, the 14th, 15th, and 16th Sections of the same chapter.

† Spavan's Puffendorff, vol. ii. cap. i. p. 6.

“ passion, for *comforting the afflicted*,, for *animating the timorous*, for *persuading a nauseating patient to take his physic*, for overcoming an obstinate humour, “ for making an ill design miscarry.”\*

Several modern ETHICAL WRITERS, of considerable celebrity, have been no less explicit and indulgent on this question. Amongst these, it may suffice to cite the testimony of the late Dr. Francis Hutcheson, of Glasgow; of whom it is said by his excellent biographer, that “ he abhorred the least “ appearance of deceit, either in word or action.”† “ When in certain affairs,” says he, “ it is known “ that men do not conceive it an injury to be deceived, there is no crime in false speech about such “ matters.—No man censures a physician for deceiving a patient too much dejected, by expressing good “ hopes of him; or by denying that he gives him a “ proper medicine, which he is foolishly prejudiced “ against: the patient afterwards will not reproach “ him for it.—Wise men allow this liberty to the “ physician, in whose skill and fidelity they trust: “ or if they do not, there may be a just plea from “ necessity.”‡—“ These pleas of necessity some would “ exclude by a maxim of late received, *We must not “ do evil that good may come of it.* The author of this

\* Spavan's Puffendorff, vol. ii. cap. i. p. 9.

† Dr. Lechman's Biographical Preface to Hutcheson's System of Moral Philosophy, p. 26.

‡ Hutcheson's System of Moral Philosophy, vol. i. p. 32, 33.

“ maxim is not well known. It seems by a passage  
“ in St. Paul, that Christians were reviled as teaching  
“ that since the mercy and veracity of God were displayed by the obstinate wickedness of the Jews,  
“ they should continue in sin, that this good might  
“ ensue from it. He rejects the imputation upon his  
“ doctrine; and hence some take up the contradictory  
“ proposition, as a general maxim of great importance  
“ in morality. Perhaps it has been a maxim  
“ among St. Paul’s enemies, as they upbraid him with  
“ counteracting it. Be the author who they please,  
“ it is of no use in morals, as it is quite vague and  
“ undetermined. Must one do nothing for a good  
“ purpose, which would have been evil without this  
“ reference? It is evil to hazard life without a view  
“ to some good; but when it is necessary for a public  
“ interest, it is very lovely and honourable.  
“ It is criminal to expose a good man to danger for  
“ nothing; but it is just even to force him into the  
“ greatest dangers for his country. It is criminal to  
“ occasion any pains to innocent persons without a  
“ view to some good; but for restoring of health we  
“ reward chirurgeons for scarifyings, burnings, and  
“ amputations. *But, say they, such actions, done for*  
“ *these ends, are not evil. The maxim only determines*  
“ *that we must not do, for a good end, such actions as*  
“ *are evil even when done for a good end.* But this  
“ proposition is identic and useless; for who will  
“ tell us next, what these actions, sometimes evil, are,  
“ which may be done for a good end? and what



“actions are so evil that they must not be done even  
 “for a good end? The maxim will not answer this  
 “question; and truly it amounts only to this trifle;  
 “*you ought not for any good end to do what is evil, or*  
 “*what you ought not to do even for a good end.*”\*

Dr. Johnson, who admits of some exception to the Law of Truth, strenuously denies the right of telling a lie to a sick man for fear of alarming him. “You  
 “have no business with consequences,” says he,  
 “you are to tell the truth. Besides, you are not sure  
 “what effect your telling him that he is in danger  
 “may have. It may bring his distemper to a crisis,  
 “and that may cure him. Of all lying I have the  
 “greatest abhorrence of this, because I believe it has  
 “been frequently practised on myself.”†

If the medical reader wish to investigate this nice and important subject of casuistry, he may consult *Grotius de Jure Bell. ac Pacis*; Puffendorff; Grove’s Ethics; Balguy’s Law of Truth; Cambray’s *Telemachus*; Butler; Hutcheson; Paley; and Gisborne. Every practitioner must find himself occasionally in circumstances of very delicate embarrassment, with respect to the contending obligations of veracity and professional duty: and when such trials occur, it will behove him to act on fixed principles of rectitude, derived from previous information, and serious reflection. Perhaps the following brief considerations,

\* Hutchinson’s System of Mor. Phil. vol. ii. p. 132.

† See Boswell’s life of Johnson, p. 570.



by which I have conscientiously endeavoured to govern my own conduct, may afford some aid to his decision.

Moral truth, in a professional view, has two references; one to the party to whom it is delivered, and another to the individual by whom it is uttered. In the first, it is a *relative duty*, constituting a branch of justice; and may be properly regulated by the divine rule of equity prescribed by our Saviour, to *do unto others as we would, all circumstances duly weighed, they should do unto us*. In the second, it is a *personal duty*, regarding solely the sincerity, the purity, and the probity of the physician himself. To a patient, therefore, perhaps the father of a numerous family, or one whose life is of the highest importance to the community, who makes enquiries which, if faithfully answered, might prove fatal to him, it would be a gross and unfeeling wrong to reveal the truth. His right to it is suspended, and even annihilated; because its beneficial nature being reversed, it would be deeply injurious to himself, to his family, and to the public: and he has the strongest claim, from the trust reposed in his physician, as well as from the common principles of humanity, to be guarded against whatever would be detrimental to him. In such a situation, therefore, the only point at issue is, whether the practitioner shall sacrifice that delicate sense of veracity, which is so ornamental to, and indeed forms a characteristic excellence of, the virtuous man, to this claim of professional justice and social

duty. Under such a painful conflict of obligations, a wise and good man must be governed by those which are the most imperious; and will therefore generously relinquish every consideration, referable only to himself. Let him be careful, however, not to do this, but in cases of real emergency, which happily seldom occur; and to guard his mind sedulously against the injury it may sustain by such violations of the native love of truth.

I shall conclude this long note with the two following very interesting biographical facts. The husband of the celebrated Arria, Cæcinna, Pætus, was very dangerously ill. Her son was also sick at the same time, and died. He was a youth of uncommon accomplishments; and fondly beloved by his parents. Arria prepared and conducted his funeral in such a manner, that her husband remained entirely ignorant of the mournful event which occasioned that solemnity. Pætus often enquired with anxiety about his son; to whom she cheerfully replied, that he had slept well, and was better. But if her tears, too long restrained, were bursting forth, she instantly retired, to give vent to her grief; and when again composed, returned to Pætus, with dry eyes, and a placid countenance, quitting, as it were, all the tender feelings of the mother at the threshold of her husband's chamber.†

† Plin. Epist. 16. lib. iii.

Lady Ruffel's only son, Wriothesley Duke of Bedford, died of the small-pox in May 1711, in the 31st year of his age. To this affliction succeeded, in Nov. 1711, the loss of her daughter, the Duchess of Rutland, who died in child-bed. Lady Ruffel, after seeing her in the coffin, went to her other daughter, married to the Duke of Devonshire, from whom it was necessary to conceal her grief, she being at that time in child-bed likewise; therefore she assumed a cheerful air, and with astonishing resolution, verbally agreeable to truth, answered her anxious daughter's enquiries with these words,—“ I have seen your sister out of bed to-day.”\*

*Note VIII. Chap. II. Sect. V.*

THE PRACTICE OF A PRIOR PHYSICIAN SHOULD  
BE TREATED WITH CANDOUR, AND JUSTIFIED  
SO FAR AS TRUTH AND PROBITY WILL PERMIT.

MONTAIGNE, in one of his essays, treats, with greathumour, of physick and physicians; and makes it a charge against them, that they perpetually direct variations in each other's prescriptions. “ Whoever saw,” says he, “ one physician approve of the prescription of another, without taking something away,

\* Note to the Letters of Lady Ruffel, 4to. Letter 149, p. 204.

or adding something to it? By which they sufficiently betray their art, and make it manifest to us, that they therein more consider their own reputation, and consequently their profit, than their patient's interest."\*

*Note IX. Chap. II. Sect. IX.*

THEORETICAL DISCUSSIONS SHOULD BE  
GENERALLY AVOIDED.

THIS rule is not only applicable to consultations, but to any reasonings on the nature of the case, and of the remedies prescribed, either with the patient himself or his friends. It is said by my lamented friend Mr. Seward, in his entertaining anecdotes, that the late Lord Mansfield gave this advice to a military gentleman, who was appointed governor of one of our islands in the West-Indies, and who expressed his apprehensions of not being able to discharge his duty as chancellor of his province:—"When you decide, never give reasons for your decision. You will in general decide well; yet may give very bad reasons for your judgment."†

\* Montaigne's Essays, book ii. ch. xxxvii. p. 703.—Consult also the same chapter, page 719.

Anecdotes of distinguished Persons, vol. ii. p. 361.

*Note X. Chap. II. Sect. XI.*

## REGULAR ACADEMICAL EDUCATION.

“ IT has been the general opinion,” says Dr. Johnson, “ that Sydenham was made a physician by accident and necessary; and Sir R. Blackmore reports, in the preface to his *Treatise on the Small-pox*, that he engaged in practice without any preparatory study, or previous knowledge of the medicinal sciences; affirming, that when he was consulted by him what books he should read to qualify him for the said profession, he recommended *Don Quixote*. That he recommended *Don Quixote* to Blackmore (continues Dr. Johnson) we are not allowed to doubt; but the relator is hindered, by the self-love which dazzles all mankind, from discovering that he might intend a satire, very different from a general censure of all the ancient and modern writers on medicine; since he might perhaps mean, either seriously, or in jest, to insinuate, that Blackmore was not adapted by nature to the study of physic; and that whether he should read Cervantes or Hippocrates, he would be equally unqualified for practice, and equally unsuccessful in it. Whatsoever was his meaning, nothing is more evident than that it was a transient folly of an imagination warmed with gaiety; or the negligent efflu-



sion of a mind intent upon some other employment, and in haste to dismiss a troublesome intruder." Sydenham himself has declared, that after he determined upon the profession of physic, he applied in earnest to it, and spent several years in the University of Oxford, before he began to practise in London. He travelled afterwards to Montpelier in quest of more information; so far was he from any contempt of academical institutions; and so far from thinking it reasonable to learn physic by experiments alone, which must necessarily be made at the hazard of life."\*

But it is highly injurious to the usefulness and honour of the profession, to suppose the education of a physician may be confined to the pursuit of medicine as an *art*. Sir W. Blackstone, in his introduction to his Commentaries on the Laws of England, has reprobated the custom of placing the juridical student at the desk of some skilful attorney, in order to initiate him early in all the depths of practice, and to render him more dexterous in the mechanical part of business. This illiberal path to the bar is not to be sanctioned, he observes, by a few particular instances of persons, who, through the force of transcendent genius, have been able to overcome every disadvantage: and he points out, in very forcible terms, and with sound argument, how essential it is to the lawyer to form his sentiments by the perusal of the purest classical authors; to learn to reason with pre-

\* See Johnson's Life of Sydenham.

cision by the simple but clear rules of unsophisticated logic; to fix the attention, and steadily to pursue truth through the most intricate deductions, by an acquaintance with mathematical demonstration; and to acquire enlarged conceptions of nature and of art, by a view of the several branches of experimental philosophy. Now if this be the *vantage ground*, to adopt the language of Lord Bacon, from which the study of the law should commence; it ought to be deemed at least equally necessary to qualify for the prosecution of medicine—a science which has man, as a compound of matter and mind, for its subject, and an infinitude of substances derived from the animal, vegetable, and mineral kingdoms, for its instruments. This sentiment seems to have been early prevalent in the celebrated school of physic, established at Salerno in Italy. For it was enacted, A. D. 1237, by the heads of colleges there, that the pupils should be bound to pass three years in the acquisition of philosophy, and five subsequent years in that of medicine.\* The like regulations were afterwards adopted

\* Vide Bulæi Hist. Univers. Paris, vol. p. 158.—Henry's History of Great-Britain, vol. viii. p. 206.

Dr. Freind, in his *Hist. Medicinæ*, has given a somewhat different account of the celebrated School of Salernum. “*Sunt in eo decem Doctores, qui sibi invicem, juxta creationis ordinem, succedunt. Candidatorum examinatio severissima est, quæ fit aut in Galeni Therapeuticis, aut in primo primi Canonis Avicennæ, aut in Aphorismis. Is qui Doctoratum ambit unum ac viginti annos habere debet (verum hic lapsum subesse autumo, cum scribendum sit viginti quinque vel septem) ac testimonia proferre, quæ per septem annos eum Medicinæ studuisse doceant. Quod si inter Chirurgos recipi cupiat, Anatomiam per anni spatium didicisse hunc oportet:*

in other Universities; but in various countries have fallen into disuse.\*

On the first revival of learning in Europe, science was held in the highest estimation; and the three faculties of law, physic, and divinity, assumed particular honours and privileges. Academical degrees were conferred on their members; and these titles, with the rank annexed to them, were admitted *ubique gentium*; being, like the order of knighthood, of universal validity. Doctors indeed contended sometimes with knights for precedence, and the disputes were not unfrequently terminated by advancing the former to the dignity of knighthood. It was even asserted that a doctor had a right to that title, without creation.†

*Note XI. Chap. II. Sect. XV.*

PECUNIARY ACKNOWLEDGMENTS.

THE following fact, related in Dr. Johnson's Life of Addison, is applicable to the professional conduct

*"jurandum ei est, fidelem se ac morigerum Societati futurum, præmia a pauperibus oblata recusaturum, neque Pharmacopolarum, lucri participem fore. Tum liber in eius manum traditur, annulus digito induitur, Caput laurea redimitur, atque ipse osculo dimittitur. Multa alia Statuta sunt ad Præseos ordinationem pertinentia; Pharmacopole præsertim, ut juxta Medici præcepta componant Medicamenta, et ut ea certo pretio vendant, obligantur."*

I. FREIND OPERA MED. p. 537.

\* *Esprit des Loix*, liv. xxix. chap. xiv.

† Consult *Seb. Bachmeisteri Antiquitates Rostoch*; *Crevier Hist. de l'Univ. de Paris*; and Dr. Robertson's *Proofs and Illustrations*, annexed to his *View of the State of Europe*.—*Hist. Charles V.* vol. i. p. 387, 8vo.

of physicians towards their friends. "When Addison was in office, (under the Duke of Wharton, as Lord-Lieutenant of Ireland,) he made a law to himself, as Swift has stated, never to remit his regular fees, in civility to his friends. "For," said he, "I may have an hundred friends, and if my fee be two guineas, I shall, by relinquishing my right, lose two hundred guineas, and no friend gain more than two; there is therefore no proportion between the good imparted, and the evil suffered."\* In recording Mr. Addison's *prudential* conduct, his probity, with respect to pecuniary acknowledgments, should not be unnoticed. In a letter, relative to the case of Major Dunbar, he says, "And now, Sir, believe me, when I assure you, I never did, nor ever will, on any pretence whatsoever, take more than the stated or customary fees of my office. I might keep the contrary practice concealed from the world, were I capable of it; but I could not from myself; and I hope I shall always fear the reproaches of my own heart, more than those of all mankind."†

At a period when empirics and empiricism seem to have prevailed much in Rome, the exorbitant demands of medical practitioners, particularly for certain secret compositions which they dispensed, induced the Emperor Valentinian to ordain, that no individual of the faculty should make an express charge for his attendance on a patient; nor even avail himself of

\* See Johnson's *Lives of the Poets*.

† Idem.



any promise of remuneration during the period of sickness; but that he should rest satisfied with the donative voluntarily offered at the close of his ministration.\* By the same law, however, the Emperor provided that one practitioner, at least, should be appointed for each of the fourteen sections into which the Roman metropolis was divided, with special privileges, and a competent salary for his services; thus indirectly, yet explicitly, acknowledging that a physician has a full claim in equity to his professional emoluments. Is it not reasonable, therefore, to conclude, that what subsisted as a *moral right*, ought to have been demandable, under proper regulations, as a *legal right*? For it seems to be the office of law to recognize and enforce that which natural justice recognizes and sanctions.

The Roman advocates were subject to the like restrictions, and from a similar cause. For their rapacity occasioned the revival of the Cincian ordinance, “*quâ cavetur antiquitus, ne quis ob causam orandam pecuniam donumve accipiat.*” But Tacitus relates, that when the subject was brought into discussion before Claudius Cæsar, amongst other arguments in favour of receiving fees, it was forcibly urged, *sublatis studiorum pretiis, etiam studia peritura*; and that, in consequence, the prince “*capiendis pecuniis posuit modum, usque ad dena sestertia, quæ egressi repetundarum tenerentur.*”†

\* Vid. Cod. Theodos. lib. xiii. tit. iii.

† Annal. lib. xi. p. 168, edit. Lipsii.



A precise and invariable *modus*, however, would be injurious both to the barrister and the physician, because the fees of each ought to be measured by the value of his time, the eminence of his character, and by his general rule of practice. This rule, with its antecedents, being well known, a *tacit compact* is established, restrictive on the claims of the practitioner, and binding on the probity of the patient. Law cannot properly, by its ordinances, establish the custom, which will and ought to vary in different situations, and under different circumstances. But a court of judicature, when formally appealed to, seems to be competent to authorize it if just, and to correct it if unjust. Such decisions could not wholly change the honorary nature of fees; because they would continue to be increased, at the discretion of the affluent, according to their liberality and grateful sense of kind attentions; and diminished, at the option of the physician, to those who may, from particular circumstances, require his beneficence.

From the Roman code, the established usage, in different countries in Europe, relative to medical fees, has probably originated. This usage, which constitutes common law, seems to require considerable modification to adapt it to the present state of the profession. For the general body of the faculty, especially in the united kingdoms of Great-Britain and Ireland, are held in very high estimation, on account of their liberality, learning, and integri-

ty:\* and it would be difficult to assign a satisfactory reason why they should be excluded from judicial protection, when the just remuneration of their services is wrongfully withheld. Indeed a medical practitioner, one especially who is settled in a provincial town, or in the country, may have accumulated claims from long-protracted and often expensive attendance; and his pecuniary acknowledgments may be refused from prejudice, from captiousness, from parsimony, or from dishonesty. Under such circumstances, considerations of benevolence, humanity, and gratitude, are wholly set aside: because when disputes arise, they must be suspended or extinguished; and the question at issue can alone be decided on the principles of *commutative justice*.

\* Of this truth, it has been my duty and inclination to offer several proofs, of unquestionable authority, in different parts of the present work. Two additional ones now occur to my recollection, which I shall here insert. Mr. Pope, writing to Mr. Allen, concerning his obligations to Dr. Mead, and other physicians, about a month before his death, says, "There is no end of my kind treatment from the faculty. They are in general the most amiable companions and the best friends, as well as the most learned men I know." The Rev. Dr. Samuel Parr, in a letter with which he honoured me in September 1794, thus expresses himself: "I have long been in the habit of reading on medical subjects; and the great advantage I have derived from this circumstance is, that I have found opportunities for conversation and friendship with a class of men, whom, after a long and attentive survey of literary characters, I hold to be the most enlightened professional persons in the whole circle of human arts and sciences."

*Note XII. Chap. II. Sect. XXX.*PUBLIC WORSHIP, SCEPTICISM, AND  
INFIDELITY.

THE neglect of social worship, with which physicians have been too justly charged, may be traced, in many instances, to the period of their academical education, particularly in the universities, where young men are permitted to live at large, and are subject to no collegiate discipline. Sunday, affording a recess from public lectures, is devoted, by those who are ardent in study, to a review of the labours of the past week; to preparations for medical or scientific discussions in the societies of which they are members; or to other pursuits, belonging to their profession, but unconnected with religion. The idle and the gay, in such situations, are eager to avail themselves of opportunities so favourable to their taste for recreation, or to their aversion to business and confinement. In each of these classes, though actuated by different principles, there is much danger that devotional impressions will be gradually impaired, for want of stated exercise and renewal: and a foundation will thus be laid for habitual and permanent indifference, in future life, to divine services, whenever medical avocations furnish a *salvo* to the mind, and a plausible

excuse to the world, for non-attendance on them. This coldness of heart, this moral insensibility, should be sedulously counteracted before it has acquired an invincible ascendancy. No apology should be admitted for absence from the stated offices of piety, but that of duties to be performed of immediate and pressing necessity. When the church is entered with just views, it will be found that there is a sympathy in religious homage, which at once inspires and heightens devotion: and that to hold communion with God in concert with our families, our friends, our neighbours, and our fellow-citizens, is the highest privilege of human nature. But with a full conviction of the obligation of public worship, as a social institution, founded on common consent, and enjoined by legal authority; as a moral duty connecting us by the most endearing ties with our brethren of mankind, who are joint dependants with ourselves, on the pardon, the protection, and the bounty of God; and as a debt of general homage to our creator, benefactor, and judge; yet there may subsist in a devout and benevolent mind scruples, respecting doctrines and forms, sufficient to produce an alienation from the sacred offices of the temple. Such doubts, when they originate from serious enquiry, and are not the result of fastidiousness or arrogance, have a claim to tenderness and indulgence; because, to act in contradiction to them, whilst they subsist, would be a violation of sincerity, amounting in some cases to the guilt of hypocrisy. But in a country



where private judgment is happily under no restraint, and where so great diversity of sects prevails, it will be strange, if a candid and well-informed man can find no Christian denomination, with which he might accord in spirit and in truth. Sir Thomas Brown, in the statement which he has given in his *Religio Medici*, seems to have allowed himself on these points very extensive latitude.—“ We have reformed from  
“ them, viz. the Papists, not against them—and there-  
“ fore I am not scrupulous to converse and live with  
“ them, to enter their churches in defect of ours,  
“ and either pray with them or for them. I could  
“ never perceive that a resolved conscience may not  
“ adore her Creator any where, especially in places  
“ devoted to his service; where, if their devotions  
“ offend him, mine may please him; if theirs profane  
“ it, mine may hallow it. I could never hear the *Ave*  
“ *Maria* bell without an elevation, or think it a suffi-  
“ cient warrant, because they erred in one circum-  
“ stance, for me to err in all—that is in silence and  
“ dumb contempt: whilst therefore they direct their  
“ devotions to the Virgin, I offer mine to GOD, and  
“ rectify the errors of their prayers by rightly order-  
“ ing my own.”

But authority, much more respectable than that of Sir Thomas Brown, may be adduced in favour of the spirit of Catholicism in Christian communion. Mr. Locke, a short time before his death, received the sacrament according to the rites of the Church of England, though it is evident from his writings that



he dissented from many of her doctrines. When the office was finished, he told the minister, "that he was in perfect charity with all men, and in sincere communion with the church of CHRIST, by what name soever it might be distinguished."\*—Dr. David Hartley was originally intended for the clerical profession, but was prevented from going into holy orders by his scruples concerning subscription to the thirty-nine articles. He continued, however, to the end of his life, a well-affected member of the Establishment, approving of its practical doctrines, and conforming to its public worship. "He was a catholic christian," says his son and biographer, "in the most extensive and literal sense of the term." On the subject of religious controversy, he has left the following testimony of his sentiments:—"The great differences of  
 "opinion and contentions, which happen on religious  
 "matters, are plainly owing to the violence of men's  
 "passions, more than to any other cause. When  
 "religion has had its due effect in restraining these,  
 "and begetting true candour, we may expect an unity  
 "of opinion both in religious and other matters, as  
 "far as is necessary for useful and practicable pur-  
 "poses."

These examples of the conduct of wise and conscientious christians evince, that, in their estimation, forms, ceremonies, and doctrines, are of a moment subordinate to the benefits and obligations of social worship. But they are not adduced to sanction an

\* See Brit. Biog. vol. vii. p. 13.

*indifference*, either to religious rites, or religious truth. The mind will always be in the best frame for holy exercises, when the modes by which they are conducted are consonant to its sentiments of propriety and rectitude. And that church should be habitually resorted to, if practicable, the public services of which accord most satisfactorily with the views of the individual, concerning the attributes of God, and the revelation of his will and promises to man. No personal friendship, no party connection, no professional interest should be allowed to predominate in the choice. For genuine piety, which is the joint offspring of reason and of sentiment, admits of no substitutions. It consists in a full conviction of the understanding, accompanied with correspondent affections of the heart; and in its exercises calls forth their united and noblest energies.

It will not be foreign to the subject of this note to investigate briefly the imputation of scepticism and infidelity, which has been laid against the medical faculty. The Rev. Dr. Samuel Parr, whose candour is unquestionable, and whose learning and genius entitle him to the highest respect, has lately sanctioned it, as will appear by the following passage from his *Remarks on the Statement of Dr. Charles Combe*, pages 82, 83.—“While I allow,” says he, “that peculiar and important advantages arise from  
“the appropriate studies of the three liberal professions, I must confess, that in erudition, in science,  
“and in habits of deep and comprehensive thinking,

“ the pre-eminence, in some degree, must be assigned to physicians. The propensity which some of them have shewn to scepticism, upon religious topics, is indeed to be seriously lamented; and it may be satisfactorily explained, I think, upon metaphysical principles, which evince the strength rather than the weakness of the human mind, when contemplating, under certain circumstances, the multiplicity and energy of physical causes. But I often console myself with reflecting on the sounder opinions of Sir Thomas Browne, Sydenham, Boerhaave, and Hartley, in the days that are past; and of our own times, posterity will remember that they were adorned by the virtues, as well as the talents, of a Gregory, a Heberden, a Falconer, &c.”\*

Mr. Gisborne, in his *Enquiry into the Duties of Men, in the higher and middle Classes of Society*, a work to which I have already referred, as an admirable system of practical and appropriate ethics, has very explicitly and forcibly delivered his sentiments on this interesting subject. “ The charge,” he says, “ may have been made on partial and insufficient grounds; but the existence of it should excite the efforts of every conscientious physician, to rescue himself from the general stigma. It should stimulate him, not to affect a sense of religion which he does not entertain, but openly to avow that which

\* “ Of our own times, posterity will remember that they were adorned by the virtues, as well as the talents of a Gregory, a Heberden, a Falconer, and a Percival.” Vide Remarks &c. by Dr. Parr. (Note of the Editor.)

he actually feels. If the charge be in some measure true, it is of importance, to the physician, to ascertain the causes from which the fact has originated, that he may be the more on his guard against their influence. The following circumstances may not have been without their weight. They who are accustomed to deep researches into any branch of philosophical science; and find themselves able to explain, to their own satisfaction, almost every phænomenon, and to account, as they apprehend, for almost every effect, by what are termed natural causes, are apt to acquire extravagant ideas of the sufficiency of human reason on all subjects; and thus learning to doubt the necessity, become prejudiced against the belief, of divine revelation. In the next place, they who justly disclaim the empire of authority in medical theories, may carelessly proceed to regard religious doctrines as theories, resting on no other foundation, and deserving of no better fate. Thirdly, it is to be observed, that men may be divided into two distinct classes, with respect to the sort of testimony on which they receive truths of any kind. They who are chiefly addicted to investigations and reasonings, founded on analogy, look primarily and with extreme partiality to that species of evidence; and if the thing asserted appear contrary to the common course of nature, more especially if it militate against any theory of their own, (and such persons are much disposed to theorise,) they are above measure reluctant to admit the reality of it; and withhold their assent,



until such a number of particular proofs, incapable of being resolved into fraud or misconception, is produced, as would have been far more than sufficient to convince an unbiaſſed judgment. Whereas other men, little uſed to analogical enquiries, look not around for ſuch testimony, either in ſupport or in refutation of an extraordinary circumſtance affirmed to them ; but readily give credit to the fact on its own diſtinct proofs, or from confidence in the veracity and diſcernment of the relator. It is evident that phyſicians are to be ranked in the claſs firſt deſcribed, and are conſequently liable to its prejudices: and it is equally evident, that thoſe prejudices will render all on whom they faſten particularly averſe to recognize the truth of miracles ; and will probably prevent them from examining, with impartiality, the evidence of a religion founded on miracles, and perhaps from examining it at all. Fourthly; to the preceding circumſtances muſt be added the neglect of divine worſhip, too cuſtomary among perſons of the medical profeſſion. This neglect ſeems to have contributed not only to excite and ſtrengthen the opinion of their ſcepticiſm and infidelity; but ſometimes to produce ſcepticiſm and infidelity itſelf. For it is a natural progreſs, that he who habitually diſregards the public duties of religion, ſhould ſoon omit thoſe which are private ; ſhould ſpeedily begin to wiſh that religion may not be true ; ſhould then proceed to doubt its truth; and at length ſhould diſbelieve it.” Vol. ii. p. 192, edit. 4.



The late Dr. Gregory, of Edinburgh, anxious to support the honour of a profession which he loved, and of which he was a distinguished ornament, very strenuously repels the charge against it of scepticism and infidelity. Though his excellent lectures are, doubtless, in the hands of most physicians, yet I am tempted to make a transcript from them, because I wish the present important subject to be viewed in the several lights, in which it has been presented to the mind by different writers of acknowledged probity, information, and judgment. “I think the charge,” he observes, “ill-founded, and will venture  
“to say, that the most eminent of our faculty have  
“been distinguished for real piety. I shall only mention as examples, Harvey, Sydenham, Arbuthnot,  
“Boerhaave, Stahl, and Hoffmann.—It is easy,  
“however, to see whence this calumny has arisen.  
“Men whose minds have been enlarged by knowledge, who have been accustomed to think and to  
“reason upon all subjects with a generous freedom,  
“are not apt to become bigots to any particular sect  
“or system. They can be steady to their own  
“principles, without thinking ill of those who differ  
“from them; but they are impatient of the authority and controul of men, who would lord it over  
“their consciences, and dictate to them what they  
“are to believe. This freedom of spirit, this moderation and charity for those of different sentiments,  
“have frequently been ascribed, by narrow-minded  
“people, to secret infidelity, scepticism, or, at least, to

“lukewarmness in religion; while some who were  
“sincere Christians, exasperated by such reproaches,  
“have sometimes expressed themselves unguardedly,  
“and thereby afforded their enemies a handle to  
“calumniate them. This, I imagine, has been the  
“real source of that charge of infidelity, so often and  
“so unjustly brought against physicians.”

“The study of medicine, of all others, should be  
“the least suspected of leading to impiety. An inti-  
“mate acquaintance with the works of nature raises  
“the mind to the most sublime conceptions of the  
“Supreme Being; and at the same time dilates the  
“heart with the most pleasing views of Providence.  
“The difficulties that necessarily attend all deep en-  
“quiries into a subject so disproportionate to the  
“human faculties, should not be suspected to surprize  
“a physician, who, in his practice, is often involved  
“in perplexity, even in subjects exposed to the exa-  
“mination of his senses.”

“There are, besides, some peculiar circumstances  
“in the profession of a physician, which should natu-  
“rally dispose him to look beyond the present state  
“of things, and engage his heart on the side of  
“religion. He has many opportunities of seeing  
“people, once the gay and the happy, sunk in deep  
“distress; sometimes devoted to a painful and lin-  
“gering death; and sometimes struggling with the  
“tortures of a distracted mind. Such afflictive scenes,  
“one should imagine, might soften any heart, not  
“dead to every feeling of humanity; and make it

“ reverence that religion, which alone can support the  
“ soul in the most complicated distresses; that reli-  
“ gion, which teaches to enjoy life with cheerfulness,  
“ and to resign it with dignity.”

The judicious and animated considerations which are here delivered, could proceed only from a mind actuated by the principles of virtue and religion: and I trust, the great majority of physicians have their feelings in unison with those of the amiable writer I have quoted. But there may be some who have been hardened to moral apathy, by the very causes which should excite benevolence and piety. It has been well remarked, by divines and metaphysicians, that *passive impressions* become progressively weaker by frequent recurrence; and that the heart is liable to grow callous to scenes of horror and distress, and even to the view of death itself. This law of nature is intended, by the wise and benignant Author of our frame, to answer the most salutary purposes, by co-operating with another of equal, perhaps superior, force. For *active propensities* are formed, and gradually strengthened, by the like renewal of the circumstances which excite them. The love of goodness is thus rendered habitual; and rectitude of conduct is steadily and uniformly pursued, without struggle or perturbation. Under such circumstances the human character then attains the highest excellence, of which this probationary state is capable; and perhaps the medical profession is more favourable than any other to the formation of

a mental constitution, that unites in it very high degrees of intellectual and moral vigour; because it calls forth the steady and unremitting exertions of benevolence, under the direction of cultivated reason; and, by opening a wider and wider sphere of duty, progressively augments their reciprocal energies.

But the connection between the laws of impression and of habit is not so determinate and necessary, as to be wholly independent of the agent who is under their influence. By a perversion of the understanding and the will, they may be, and sometimes are, separated. The affections also, when the temperament is phlegmatic, subsist only in a languid state; and are too evanescent to produce a permanently correspondent frame of mind. If with this coldness of heart, a sceptical turn of thinking, happen to be associated, either constitutionally or from the casualties of study and connections, virtuous principles will gradually decay; all the tender charities of life will soon be extinguished; a future state will be either disbelieved or regarded with indifference; and practical atheism will ensue, with the whole train of evils which result from a denial of the creative agency of God, or his divine administration. Allowing this to be an extreme, and barely possible case, a concession which I am solicitous to grant to my countrymen, notwithstanding what has been fatally experienced in a neighbouring kingdom; yet different gradations towards it may subsist, and the first step should be avoided with sedulous care. The countervailing power of religion



is here essentially necessary, because nothing besides can furnish motives to rectitude, of adequate dignity, weight, and authority. To restore the impressions of piety which have been lost or impaired, without falling into the fervours of enthusiasm, or the gloom of superstition, may be an arduous task, a task that will require time and perseverance to accomplish. But the attainment will amply repay the labour, by the sweet satisfaction which a physician cannot fail to derive from the consciousness, that he exercises his profession under the inspection of a Being, who approves and will reward every effort to acquire his favour by doing good to mankind. In his offices of humanity, he will feel an interest and elevation, of which those can have no conception who regard the human race, and consequently the sufferers under their care, not as the offspring of God, or as expectants of immortality, but as the creatures of a day, formed by the casual concurrence or the natural appetences of atoms, and born only to perish. Such degrading and unhappy notions often spring from a love of paradox; a passion for novel hypothesis; ambition to be victorious in subtle disputation; and a contempt for established authority, accompanied, for the most part, with an implicit submission to empirics in science, who dogmatize most, when they assume the mask of scepticism. To the successful pursuit of truth, it is necessary to bring a well-disciplined mind, modest and sober in its views, uninfluenced not only by vulgar, but by philosophical prejudices, which are



far more dangerous, because more plausible and fascinating. When subjects which relate to theology are investigated, reverence and humility should be associated with all our reasonings. No practice is more subversive of devotional sentiment, than that of carrying into religious discussions the licentiousness of thought and expression, which young physicians are too apt to indulge on medical topics. He who can suffer himself to treat his Maker with indifference and with levity, whether it be in utterance or in contemplation, will soon lose the religious impressions of reverence, gratitude, and love; and his mind will then be prepared for the systems of impiety and atheism, which of late have been so boldly promulgated under the imposing name of philosophy. Productions of this class should be shunned, even by those who are thoroughly grounded in rational faith; because familiarity with them can hardly fail to impair the moral sensibilities of the heart. They are *evil communications*, which forcibly tend to *corrupt good manners*.

To the comprehensive view of a well-educated physician, the Divine Being will appear, with the fullest manifestation, in all without and all within him. Through the several kingdoms of nature, with which he is intimately acquainted, he traces every where design, intelligence, power, wisdom, and goodness: and in the frame of his own body, as well as in the constitution of his mental faculties, he finds especial reason to conclude, that above all the other works of the creation, *he is fearfully and wonderfully made*.

The daily offices of his profession disclose to him irrefragable proofs of the providence and moral government of GOD.—Health, as consisting in the soundness and vigour of the bodily organs, and in their complete aptitude for exertion and enjoyment, is doubtless of inestimable consideration. But the occasional suspension of this blessing may be necessary to obviate the abuses to which it is liable; to evince its high value; to remedy the injuries it may have sustained; and to insure its future more permanent duration. A strong constitution is too often made subservient to sensuality, ebriety, and other licentious indulgences; which, if not seasonably interrupted by the experience of *consequential suffering*, would prove destructive to the animal œconomy, and bring on premature decrepitude or death. Diseases, under these circumstances, furnish a beneficial restraint, and preserve the mind from contamination; whilst they are often the remedies, which nature has kindly provided, for the restoration of the vital functions. A good, which has been lost and beneficently restored, will be prized according to its high desert; and being cherished with assiduous care, will be prolonged and applied to its proper uses, in the great business of life. But sickness, it must be acknowledged, is not always remedial in its tendency; and frequently produces degrees of protracted languishment and pain, grievous to endure, and obstructive of those *active offices*, which, in his present sphere, man is called upon to perform. There are duties, however, of another class, not less essential to the improvement

and excellence of his *moral* and *religious character* : and where is a school to be found, like the chamber of sickness, for meekness, patience, resignation, gratitude, and devout trust in God? There pride is humbled; the angry passions subside; animosities cease; and the vanities of the world lose their bewitching attractions. False associations are there corrected; true estimates are formed; and whilst the *passive virtues* are cultivated in the suffering individual, all who minister to him have their best dispositions exercised, and improved. Tendernefs, humanity, sympathy, friendship, and domestic love, on such occasions, find that sphere which is peculiarly adapted to their exertion; and all the softer charities derive from these sources their highest refinements.\*

Rational theism leads the mind, by fair and necessary induction, to extend its views to revelation. He who has discovered the divine wisdom, power, and goodness, through the various works of creation, will feel a solicitude to make farther advances in sacred knowledge; and the more profoundly he venerates the Author of his being, the more earnest will he be to become acquainted with his will; with the means of conciliating his favour; with the duration of his own existence; and with his future destination. Several distinguished characters in the heathen world have, in a very explicit manner, testified the truth of his observation. Suffice it to state only the following

\* See A Father's Instructions, part iii. p. 312, 9th edition.

remarkable passages from Plato: “ A divine revelation is necessary to explain the true worship of GOD—to add authority to moral precepts—to assist our best endeavours in a virtuous course—to fix the future rewards and punishments of virtuous and vicious conduct—and to point out some acceptable expiation for sin.” He introduces Socrates, assuring Alcibiades, “ that in a future time a divine person will appear, who, in pure love to man, shall remove all darkness from his mind, and instruct him how to offer his prayers and praises in the most acceptable way to the Divine Being.” The privileges which this intelligent and amiable philosopher ardently looked for, we happily enjoy. Christianity has brought life and immortality to light: and the gospel is the sacred charter of our expected inheritance of felicity. To regard with indifference what is so momentous, is the grossest folly; to be dissatisfied with its evidence argues the want of discernment and of candour; and to reject it, without deliberate and conscientious investigation, is a high degree of impiety. The appeal, however, must finally be made to the judgment of every individual: and we may humbly hope, that He who *knoweth our frame*, will pity intellectual infirmity, and pardon involuntary error.



*Note XIII. Chap. II. Sect. XXXI.*UNION IN CONSULTATION OF SENIOR AND  
JUNIOR PHYSICIANS.

“HEAT and vivacity in age,” says Bacon, “is an excellent composition for business. Young men are fitter to invent than to judge, fitter for execution than for counsel, and fitter for new projects than for settled business; for the experience of age in things that fall within the compass of it, directeth them, but in new things abuseth them. The errors of young men are the ruin of business; but the errors of aged men amount but to this, that more might have been done, or sooner. Young men, in the conduct and manage of actions, embrace more than they can hold; stir more than they can quiet; fly to the end, without consideration of the means and degrees; pursue some few principles which they have chanced upon absurdly care not to innovate, which draws unknown inconveniences; use extreme remedies at first; and that which doubleth all errors, will not acknowledge or retract them, like an unruly horse that will neither stop nor turn. Men of age object too much; consult too long; adventure too little; repent too soon; and seldom drive business home to the full period, but content themselves with a mediocrity of success. Certainly



it is good to compound employments of both; for that will be good for the present, because the virtues of either age may correct the defects of both; and good for succession, that young men may be learners, while men in age are actors: and lastly, good for external accidents, because authority followeth old men, and favour and popularity youth. But for the moral part, perhaps youth will have the pre-eminence, as age hath for the politick.”—*Bacon’s Essay of Youth and Age*.

*Note XIV. Chap. II. Sect. XXXII.*

RETIREMENT FROM PRACTICE.

THE following letters afford so admirable a comment on the rule to which this note refers, that it would be a false and unjustifiable delicacy not to lay them before the reader. I shall copy them without abridgment, because they present at once a striking display of Dr. Heberden’s nice sense of honour and probity; of the peculiar urbanity of his manners; and of the vigour of his intellect at a very advanced period of life. His commendations of this little work, I may be allowed to confess, are gratifying to my feelings; though I am sensible of the partiality from which they flow. But the partiality of a character, dignified by science and virtue, is itself an honour.

*Copy of a Letter from William Heberden,  
M. D. F. R. S. &c. &c.*

DEAR SIR, *Windſor, Aug. 28, 1794.*

IT is owing to my diſtance from London, that I have not ſooner made my acknowledgments, and returned my thanks for your very obliging letter. Your being able to reſume the work you had in hand, makes me hope that your good principles, with the aid of time, have greatly recovered your mind from what you muſt have ſuffered on occaſion of the great loſs in your family ; and your attention in the further proſecution of it, will powerfully aſſiſt in perfectly reſtoring your tranquillity. What you have already communicated to the public, with ſo much juſt applauſe, ſhews you to be peculiarly well qualified for drawing up a Code of Medical Ethics, by the juſt ſenſe you have of your duties as a man, and by the maſterly knowledge of your profeſſion as a phyſician. I hope it will not be long before the ſheets already printed come to my hands ; and I return you many thanks for intending to favour me with a ſight of them.

The pleaſure of a viſit from one of Dr. Haygarth's merit, whom I have long known and eſteemed, would probably give me ſpirits, and make him think me leſs broken than I am. I have entered my 85th year ; and when I retired, a few years ago, from the practice of phyſic, I truſt it was not from a wiſh to be idle, which no man capable of being uſefully employed, has a right to be ; but becauſe I was willing to give

over, before my presence of thought, judgment, and recollection was so impaired, that I could not do justice to my patients. It is more desirable for a man to do this a little too soon, than a little too late; for the chief danger is on the side of not doing it soon enough.

I am, my dear sir,

With great esteem and regard,

Your affectionate, humble servant,

W. HEBERDEN.

*From the Same.*

DEAR SIR,      *Pall-Mall, 15th Oct. 1794.*

BY the mistake or neglect of the person left in my house in London, (to which I am just returned,) your Code of Medical Ethics had been sent thither some time before I was made acquainted with it. I have read it, and do not wonder, that nothing could be found by me or by any one to add or alter, after a work of this kind had passed through the hands of one so much master of the subject; and who had taken no little time to consider it, and to make the proper improvements. I am confident that the same might be said of them, were I to read the two chapters which remain to be finished. If your judicious advice and rules were duly observed, they would greatly contribute to support the dignity of the profession, and the peace and comfort of the professors. There has lately been established, in several of the London hospitals, a plan of courses of lectures in all

the branches of knowledge useful to a student in physic. Such plans, if rightly executed, as I have no reason to doubt they will be, must make London a school of physic superior to most in Europe. The experience afforded in an hospital will keep down the luxuriance of plausible theories. Many such have been delivered in lectures, by celebrated teachers, with great applause; but the students, though perfectly masters of them, not having corrected them with what nature exhibits in an hospital, have found themselves more at a loss in the cure of a patient, than an elder apprentice of an apothecary. I please myself with thinking, that the method of teaching the art of healing is becoming every day more conformable to what reason and nature require; that the errors introduced by superstition and false philosophy are gradually retreating; and that medical knowledge, as well as all other dependent upon observation and experience, is continually increasing in the world. The present race of physicians are possessed of several most important rules of practice, utterly unknown to the ablest in former ages, not excepting Hippocrates himself, or even Æsculapius.

I am, dear sir,

Your affectionate, humble servant,

W. HERBERDEN.

It is an observation of Bacon, that letters written by wise men are the best of all human works. To these admirable communications, I shall, therefore, take the liberty of subjoining the extract of one,

equally interesting, and of similar import, from another Nestor in medicine; who has long and justly held the first rank amongst his brethren, for classical taste, elegance of style, and professional erudition. “I have lately,” says Sir George Baker, in a letter, dated Richmond, August 11th, 1802, “been in the habit of spending much of my time in this place; avoiding, when possible, all medical employment. Many months have passed, since Dr. Haygarth took so favourable a measure of me: I will not, however, trouble you with an account of the infirmities and privations incident to my time of life. Be it sufficient to say, that I am contented with the fare that I have met with; and hope to retire from the feast of life, *uti conviva satur.*”

*Note XV. Chap. IV. Sect. II.*

PARTIAL INSANITY, WITH GENERAL INTELLIGENCE. LUCID INTERVAL.

SIR Matthew Hale, in his *Historia Placitorum Coronæ*, c. iv. has stated, that “There is a partial insanity of mind; and a total insanity. The former is either in respect to things, *quoad hoc vel illud insanire*; some persons that have a competent use of reason in respect to some subjects, are yet under a particular *dementia* in respect to some particular discourses, subjects, or



“ applications; or else it is particular in respect of  
“ degrees ; and this is the condition of very many, es-  
“ pecially melancholy persons, who, for the most part,  
“ discover their defect in excessive fears and griefs,  
“ and yet are not wholly destitute of the use of rea-  
“ son ; and this partial insanity seems not to excuse  
“ them in the committing of any offence for its matter  
“ capital; for doubtless most persons that are felons of  
“ themselves, and others, are under a degree of par-  
“ tial insanity, when they commit these offences.”—  
“ The person that is absolutely mad for a day, killing  
“ a man in that distemper, is equally not guilty, as if  
“ he were mad without intermission. But such per-  
“ sons as have their lucid intervals, (which ordinarily  
“ happen between the full and change of the moon,)  
“ in such intervals have usually at least a competent  
“ use of reason ; and crimes committed by them in  
“ these intervals are of the same nature, and subject  
“ to the same punishment, as if they had no such de-  
“ ficiency; nay, the alienations and contracts made by  
“ them in such intervals, are obliging to their heirs  
“ and executors.”

Partial insanity and general intelligence may sub-  
sist, in various degrees and proportions to each other,  
in different persons ; and even in the same person at  
different times. If Socrates had lived at this period,  
and had not only professed himself to be governed by  
the influences of a familiar spirit, or dæmon, but had  
also uniformly regulated his conversation and actions  
by this persuasion, he would have been justly charge-

able with derangement of mind ; notwithstanding the profound wisdom which he displayed in his instructions concerning morals, and the conduct of life. Lord Herbert, of Cherbury, was highly distinguished both for talents and erudition : but having unfortunately adopted prejudices against Christianity, he wrote an elaborate work entitled, *De Veritate, prout distinguitur à Revelatione* ; and knowing it would meet with much opposition, he remained some time in anxious suspense about the publication of it. Providence, however, as he informs us in his own biographical memoirs, kindly interposed, and determined his wavering resolutions. “ Being thus doubtful in  
“ my chamber, one fair day in the summer, my casement being open towards the south, and no wind  
“ stirring, I took my book *De Veritate* in my hand,  
“ and kneeling on my knees, devoutly said, *O thou*  
“ *eternal God, I am not satisfied enough whether I*  
“ *shall publish this book ; if it be to thy glory, I beseech*  
“ *thee give me some sign from heaven ; if not, I shall*  
“ *suppress it.* I had no sooner spoken these words,  
“ but a loud, though yet gentle, noise came from the  
“ heavens ; which did so comfort and cheer me, that  
“ I took my petition as granted, and that I had the  
“ sign I demanded ; whereupon also I resolved to  
“ print my book.” This was not a temporary delusion of the imagination, but continued a permanent object of belief through life : and the impression was more extraordinary, and more indicative of an unsound mind, because Lord Herbert’s chief argument

against Christianity is, the improbability that Heaven shall reveal its laws *only to a portion of the earth*. For how could he, who doubted of a *partial*, confide in an *individual* revelation? Or is it possible that he could rationally think his book of sufficient importance to extort a declaration of the divine will, when the interest and happiness of a fourth part of mankind were deemed, by him, objects inadequate to the like display of goodness.\*

The history of the Rev. Simon Browne still more remarkably exemplifies the union of vigour and imbecility, of rectitude and perversion, in the same understanding. The loss of his wife, and of his only son, so powerfully affected him, that he desisted from the duties of his clerical function, and could not be persuaded to join in any act of worship to the Deity, either public or private. He “conceived that Al-  
“mighty God, by a singular instance of divine  
“power had, in a gradual manner, annihilated in him  
“the thinking substance, and utterly divested him  
“of consciousness: that though he retained the  
“human shape, and the faculty of speaking, in a  
“manner that appeared to others rational, he had  
“all the while no more notion of what he said than  
“a parrot. And, very consistently with this, he  
“looked upon himself as no longer a moral agent, a  
“subject of reward or punishment.” In this conviction he continued, with very little variation, to the

\* See Walpole's Catalogues of royal and noble Authors; also Percival's Mor. and Lit. Difs. p. 82.

close of life. Yet, whilst under the influence of this strange phrenzy, his faculties, in all other respects, appeared to be in full vigour. He applied himself with ardour to his studies; and was so acute a disputant, that his friends were wont to say, *he could reason as if possessed of two souls*. Indeed, both his imagination and his judgment were so improved, as to surpass the state in which they subsisted during his perfect sanity.\*

In J. J. Rousseau, we have a most interesting example of morbid sensibility and depraved imagination, combined with extensive knowledge and pre-eminent genius. It is said by Madame de Stael, in her *Reflections on his Character and Writings*, that “sometimes  
“he would part with you, with all his former affection: but if an expression had escaped you, which  
“might bear an unfavourable construction; he  
“would recollect it, examine it, exaggerate it, perhaps  
“dwell upon it for a month, and conclude by a total  
“breach with you. Hence it was, that there was  
“scarce a possibility of undeceiving him; for the  
“light which broke in upon him at once, was not  
“sufficient to efface the wrong impressions which had  
“taken place so gradually in his mind. It was extremely difficult too to continue long on an intimate  
“footing with him. A word, a gesture, furnished  
“him with matter of profound meditation; he connected the most trifling circumstances, like so many

\* See Biog. Britan. art. Simon Browne.



“mathematical propositions, and conceived his conclusion to be supported by the evidence of demonstration.”\*

I have hazarded an opinion in the text, contrary to what, I believe, is usually adopted by lawyers, that there may be cases of partial insanity with a high degree of general intelligence, in which the individual ought not to be precluded from the privilege of making a last will and testament. To deny the testamentary qualification to one, who, notwithstanding some false predominant conception, has been held capable of managing his concerns with discretion, and whose bequests discover no traces of a disturbed imagination, or unsound judgment, seems to be inconsistent both with wisdom and with natural justice. Such a person, I presume, is capable of acquiring property by legacy, by bargain, by transfer, by industry, or by office: and he is not prohibited, during life, from giving or expending possessions thus obtained. Why then does the law deprive him of the right of bequeathing after death, that which he might have dispensed, when alive, without controul? Whatever be the opinion which a medical practitioner may have entertained, concerning the capacity or incapacity for making a will of one under these circumstances, it can hardly be necessary to observe, that his evidence,

\* The reader is referred to the *Elements of the Philosophy of the Human Mind*, sect v. by Professor Dugald Stewart, for some admirable remarks on the evils which result from an ill-regulated imagination



when called for in a course of legal enquiry, should be delivered explicitly, and without any bias from his pre-conceptions. On the point litigated, it is the exclusive province of the judge and jury to decide, after a full investigation of the case.

To determine the existence of a LUCID INTERVAL in the *delirium of fever*, or in the more permanent alienation of mind which constitutes *insanity*, the testimony of a physician is sometimes required, in courts of law. It will be incumbent on him, therefore, to possess a clear and definite opinion on the subject, founded both on the nature of the malady, and the state of the patient. The cessation of febrile delirium is not difficult to ascertain; because the rational faculties being unimpaired by a short suspension, at once manifest their renewal by signs which cannot be misunderstood. But the complete remission of madness is only to be decided by reiterated and attentive observation. Every action and even gesture of the patient should be sedulously watched; and he should be drawn into conversation at different times, that may insensibly lead him to develop the false impressions under which he labours. He should also be employed occasionally in business, or offices connected with, and likely to renew, his wrong associations. If these trials produce no recurrence of insanity, he may, with full assurance, be regarded as legally *compos mentis* during such period; even though he should relapse, a short time afterward, into his former malady.

*Note XVI. Chap. IV. Sect. XIII.*

## DUELLING.

IN the usages of the ancient Germans, evident traces of DUELLING may be discovered: but it was employed by them either as an appeal to the justice or to the prescience of the gods. Velleius Paterculus informs us, that questions, decided amongst the Romans by legal trial, were terminated amongst the Germans by arms or judicial combat.† Tacitus describes it as a species of divination, by which the future events of important wars were explored. A captive from the enemy was compelled to fight with a man selected from their own nation. Each was accoutred with his proper weapons; and the presage of success was determined by the issue of the battle.|| A law is quoted by Stiernhoök, which shews, that judicial combat was, at first, appropriated to points respecting personal character, and that it was only subsequently extended to criminal cases, and to questions relative to property. The terms of the law are, “If any man shall say to another these reproachful words, ‘you are not a man equal to other men;’ or, ‘you have not the heart of a man;’ and the other shall

† Vellei Patercul. lib. ii. cap. cxviii.

|| Vide Tacit. de Situ, Morib. et Populis Germaniæ, sect. x.

reply, ‘ I am a man as good as you;’ let them meet on the highway. If he who first gave offence appear, and the person absent himself, let the latter be deemed worse than he was called ; let him not be admitted to give evidence in judgment either for man or woman, and let him not have the privilege of making a testament. If the person offended appear, and he who gave the offence be absent, let him call upon the other thrice with a loud voice, and make a mark upon the earth, and then let him who absented himself be deemed infamous, because he uttered words which he durst not support. If both shall appear properly armed, and the person offended shall fall in the combat, let a half compensation be paid for his death. But if the person who gave the offence shall fall, let it be imputed to his own rashness. The petulance of his tongue hath been fatal to him. Let him lie in the field without any compensation being made for his death.\*

Montesquieu, on the authority of Beaumanoir, whom he quotes with great respect, deduces the rise and formation of the articles, relative to the point of honour, from the following particular judicial usages. The accuser declared, in the presence of the judge, that such a person had committed such an action : the accused made answer that *he lied*; upon which the judge gave orders for the duel. Thus it became an established rule, that whenever the lie was given to a

\* Lex Uplandica apud Stiern.—Robertson’s History of Charles V. vol. i. note 22.

person, it was incumbent on him to fight. *Gentlemen* combated on horseback, completely armed. *Villeins* fought on foot and with bastons. The baston, therefore, was regarded as an instrument of affront, because to strike a man with it was to treat him as a villein. For the like reason, a box on the ear, or blow on the face, was deemed a contumely, to be expiated with blood; since villeins alone were liable to receive such disgraceful blows, as it was peculiar to them to fight with their heads uncovered.\*

Practices like these were so congenial to the proud and martial spirit of the times, as well as to the superstition which prevailed, that they became universal throughout Europe. But it is evident that they could not fail to subvert the regular course of justice, diminish the authority of government, and violate the sacred ordinances of the church. For the clergy uniformly remonstrated against, and even anathematized them, as adverse to Christianity; and the civil power frequently interposed, to set bounds to usages, which its authority was too feeble to suppress. Henry I. of England, in the twelfth century, prohibited trial by combat, in all questions concerning property of small value. Louis VII. of France, issued an edict to the same effect. St. Louis, who was a distinguished legislator, considering the rude age in which he reigned, attempted a more perfect jurisprudence, by substituting trial by evidence, in place of that by combat. And

\* See Montesquieu, liv. xxviii. c. xx.



afterwards it became the policy of every monarch, who possessed power or talents, to explode these relics of Gothic barbarism. By degrees the practice became less and less frequent ; courts of judicature, acquired an ascendancy ; law was studied as a science, and administered with great regularity ; and the ferocious manners of the inhabitants of Europe yielded to the arts of peace, and to the benefits of social and civilized life. But an event occurred, in the year 1528, which both revived the practice of single combat, and gave a new form to it, more absurd and fatal. The political and personal enmity, which subsisted between the Emperor Charles V. and Francis I., led the former to commission the French herald, sent to him with a denunciation of war, to acquaint his sovereign, that he should from that time consider him not only as a base violator of public faith, but as a stranger to the honour and probity of a gentleman. Francis instantly sent back the herald, with a *cartel* of defiance, giving the Emperor *the lie*, and challenging him to single combat. Charles accepted the challenge ; but it being impracticable to settle the preliminaries, this romantic and ridiculous enterprize of course was never accomplished. The transaction, however, excited such universal attention, and reflected so much splendour and dignity on this novel mode of single combat, that every gentleman thought himself entitled, and even bound in honour, to draw his sword, and to demand satisfaction of his adversary, for



affronts trivial and even imaginary.\* The best blood in Christendom was shed; personages of the first distinction were devoted to death; the ease, the familiarity, and the confidence of private intercourse were interrupted; and war itself was hardly more destructive to life, and to its dearest enjoyments, than this fatal and seductive frenzy.†

Evils of such magnitude required adequate remedies; and all the terrors of law were every where exerted to repress them. But they have hitherto been employed in vain. Nor is it likely that sanguinary punishments will prevail, because the dread of such punishment would be deemed equally dishonourable

\* See Robertson's History of Charles V. book v.

† The History of Lord Herbert of Cherbury, who lived in the reigns of Queen Elizabeth and James I., fully exemplifies the folly and danger of adopting false principles of honour. During the abode of this romantic nobleman at the Duke of Montmorenci's, about twenty-four miles from Paris, it happened one evening, that a daughter of the Dutchess de Ventadour, of about ten or eleven years of age, went to walk in the meadows with his lordship, and several other gentlemen and ladies. The young lady wore a knot of ribband on her head, which a French chavelier snatched away, and fastened to his hatband. He was desired to return it, but refused. The lady then requested Lord Herbert to recover it for her. A race ensued; and the chevalier, finding himself likely to be overtaken, made a sudden turn, and was about to deliver his prize to the young lady, when Lord Herbert seized his arm, and cried out, "I give it you." "Pardon me," said the lady, "it is he who gives it me." "Madam," replied Lord Herbert, I will not contradict you, but if the chevalier do not acknowledge that I constrain him "to give the ribband, I will fight with him." And the next day he sent him a challenge, "being bound thereto," says he, "by the oath taken when I was made knight of the bath." See the Life of Lord Herbert of Cherbury; also Percival's Moral and Lit. Differt. p. 299, second edit.

with the fear of death, in the chances of combat. A heavy fine, strictly levied, would operate with greater force, on some of the most active principles of the human mind : And if it amounted to half or one third of the convicted person's fortune, such portion being placed in Chancery, for the benefit of his heirs or children, this privation would not only extend to his comforts and accommodations, but would be felt as a species of infamy, by depriving him of the means of maintaining his rank and station in life. Lord Verulam has proposed the following remedy for duelling : which, if effectual with men of quality, would soon disgrace the practice amongst those of inferior degree. " The fountain of honour is the king; and  
" his aspect, and the access to his person, continueth  
" honour in life; and to be banished from his presence is one of the greatest eclipses of honour that  
" can be. If his Majesty shall be pleased, that when  
" this court shall censure any of these offences in persons of eminent quality, to add this out of his own  
" power and discipline, that those persons shall be banished and excluded from his court for certain years,  
" and the courts of his Queen and Prince, I think there  
" is no man that hath any good blood in him, will commit an act that shall cast him into that darkness, that  
" he may not behold his sovereign's face."\* This proposal of Lord Verulam seems to receive some

\* Bacon's Works, vol. ii. page 516.

confirmation from a story related by Lord Shaftsbury in his *Characteristicks*.† “A certain gallant of our court, being asked by his friends, why one of his established character for courage and good-sense would answer the challenge of a coxcomb, replied, that for his *own sex* he could safely trust their judgment; but how could he appear at night before the *maids of honour*?”

Thus the principle, on which duelling is founded, is now neither an appeal to the justice of heaven, nor an expression of resentment for wrong sustained; but generally a mere punctilio of honour, which would affix a *stigma* on the character for courage of him who omits to offer, and on the opponent who declines the acceptance of, a challenge. Hence forgiveness of injury, and reparation from the consciousness of having committed it, those noble sentiments of just and generous minds, are wholly precluded in the intercourse of fashionable life.

A very able moralist, whom I have often quoted with peculiar satisfaction, has reduced the question concerning duelling, as now practised, to this single point: whether a regard for our own reputation is, or is not, sufficient to justify the taking away the life of another. “A sense of shame,” says he, “is so much torture; and no relief presents itself, otherwise than by an attempt upon the life of our adversary. What then? The distress which men

† Vol. i. sect. iii. page 273.

“ suffer by the want of money is often times extreme,  
“ and no resource can be discovered but that of  
“ removing a life, which stands between the distressed  
“ person and his inheritance. The motive in this  
“ case is as urgent, and the means much the same,  
“ as in the former ; yet this case finds no advocates.”

“ For the army, where the point of honour is cul-  
“ tivated with exquisite attention and refinement,”  
continues the same excellent writer, “ I would esta-  
“ blish a court of honour, with a power of awarding  
“ those submissions and acknowledgments, which  
“ it is generally the object of a challenge to obtain ;  
“ and it might grow into a fashion with persons of  
“ rank of all professions to refer their quarrels to the  
“ same tribunal.”\*

An institution, like the one thus forcibly recom-  
mended by Dr. Paley, might probably have preven-  
ted the late fatal duel between Colonel Montgomery  
and Captain M<sup>c</sup>Namara. The address of the latter to  
the gentlemen of the jury gives just grounds for this  
opinion, and claims on that account the attention of  
the legislature. “ Gentlemen,” said he, “ I am a  
“ captain of the British navy. My character you  
“ can only hear from others; but to maintain any  
“ character in that station, I must be respected.  
“ When called upon to lead others into honourable  
“ dangers, I must not be supposed to be a man who  
“ had sought safety, by submitting to what custom

\* Dr. Paley's Principles of Moral Philosophy, chap. ix.



“ has taught others to consider as a disgrace. I am  
“ not presuming to urge any thing against the laws of  
“ GOD, or of this land. I know, that in the eye of  
“ religion and reason, obedience to the law, though  
“ against the general feelings of the world, is the first  
“ duty, and ought to be the rule of action : but in  
“ putting a construction upon my motives, so as to  
“ ascertain the quality of my actions, you will make  
“ allowances for my situation.”\* In referring to the  
foregoing disastrous case, it is proper to notice, that a  
surgeon of considerable eminence, who attended on  
the field of combat in his *professional capacity*, was on  
this account arrested, and sent to Newgate, by a  
warrant from the civil magistrate, as a *principal* in  
the alleged murder, having been present at the duel,  
and antecedently privy to it. Nor was he libe-  
rated from prison, till the grand jury had rejected the  
indictment.

It has recently been stated, in one of the periodical  
prints, that a law to prevent duelling was passed in  
the general assembly of North-Carolina during their  
last session, by which it was enacted, “ That no  
“ person sending, accepting, or being the bearer of a  
“ challenge, for the purpose of fighting a duel, even  
“ though no death should ensue, shall ever after be  
“ eligible to any office of trust, power, or profit, in  
“ the state, any pardon or reprieve notwithstanding :  
“ and that the said person shall further be liable to

\* Courier, April 23, 1803.



“ be indicted, and on conviction shall forfeit and pay  
 “ the sum of one hundred pounds to the use of the  
 “ state. And if any one who fight a duel, by which  
 “ either of the parties shall be killed, then the sur-  
 “ vivor, on conviction thereof, shall suffer death with-  
 “ out benefit of clergy; and the seconds shall be con-  
 “ sidered as accessaries before the fact, and likewise  
 “ suffer death.”\*

I shall insert the following communication from my late venerable friend Dr. Benjamin Franklin, on the subject of duelling, because the deliberate opinion of a man, peculiarly distinguished by perspicacity, soundness of judgment, and extensive knowledge of the world, cannot fail to be interesting to the reader. The letter was written in the 79th year of his age, and evinces the same vein of humour which characterized him through life. A few passages are omitted, being merely complimentary and personal.

*Passy, near Paris, July 17, 1784.*

DEAR SIR,

I Received, yesterday, by Mr. White, your kind letter of May 11th, with the most agreeable present of your new book. I read it all before I slept. \* \*

\* \* \* \* \*

\* \* \* \* \* It is astonishing that the murderous practice of duelling, which you so justly condemn, should continue so long in vogue. Formerly,

\* Courier, March 9th, 1803,

when duels were used to determine law-suits, from an opinion that Providence would, in every instance, favour truth and right with victory, they were more excusable. At present they decide nothing. A man says something, which another tells him is a lie. They fight; but whichever is killed, the point in dispute remains unsettled. To this purpose they have a pleasant little story here.—A gentleman, in a coffee-house, desired another to sit farther from him.—Why so?—Because, Sir, you smell offensively.—That is an affront, and you must fight me.—I will fight you, if you insist upon it: but I do not see how that will mend the matter. For if you kill me, I shall smell too; and if I kill you, you will smell, if possible, worse than you do at present.—How can such miserable sinners as we are, entertain so much pride as to conceive that every offence against our imagined honour merits death? These petty princes, in their own opinion, would call that sovereign a tyrant, who should put one of them to death for a little uncivil language, though pointed at his sacred person: yet every one of them makes himself judge in his own cause, condemns the offender without a jury, and undertakes himself to be the executioner.

Our friend Mr. Vaughan may, perhaps, communicate to you some conjectures of mine, relating to the cold of last winter, which I sent in return for the observations on cold of Professor Wilson. If he should, and you think them worthy so much notice, you may shew them to your philosophical society, to

which I wish all imaginable success. Their rules seem to me excellent.

With sincere and great esteem, I have the honour to be, your most obedient, and most humble servant,

B. FRANKLIN.

*Note XVII. Chap. IV. Sect. XVI.*

PUNISHMENT OF THE CRIME OF RAPE.

THE atrocity of this crime appears to have been variously estimated at different periods, and in different countries; if we may judge from the diversity of punishments inflicted on the perpetrators of it. The reader will find a copious and interesting enumeration of them, in a folio volume, entitled, *A View of Ancient Laws against Immorality and Profaneness*, by John Disney, M. A. Cambridge printed, 1729. I would refer him also to the *Principles of Penal Law*, by Mr. Eden, now Lord Auckland. As both these valuable works are out of print, a few extracts from each may form an acceptable addition to the present note.

The Burgundian laws provided, that if the young woman carried off returned to her parents actually corrupted, the offender should pay six times her price, or legal valuation; and also a mulct of twelve shillings. If he had not wherewithal to pay these sums, he should be given up to her parents, or near relations, to take their revenge of him in what way they pleased.

By the law of Æthelbert, the first Christian king of Kent, it was enacted, that if any person take a young woman by force, he shall pay her parent, or guardian, fifty shillings; and shall make a farther composition for her ransom. If she were espoused, he shall compensate the husband by an additional payment of twenty shillings. But if she were with child, the augmented fine shall be five and thirty shillings, and fifteen more to the King.

There is an ordinance of King Alfred, for the punishment of rapes committed upon country wenches who were servants, an offence which may be supposed to have been prevalent at that time. It is delivered in the following terms: “*Si quis Coloni mancipium ad stuprum comminetur 5 Sol. Colono emendet, et 60 Sol. Multæ loco. Si Servus Servam ad stuprum coegerit, compenset hoc Virgâ suâ virili. Si quis puellam teneræ ætatis ad illicitum concubitum comminetur, eodem modo puniatur quo ille qui adultæ servæ hoc fecerit.*”

By the Welsh laws of Prince Hoel Dha, if two women were walking together without other company, and violence was offered to either or both of them, it was not punishable as a rape; but if they had a third person with them, they might claim their full legal redress. If the perpetrator of a rape, being accused, confessed the fact, besides full satisfaction to the woman, he was to answer for the crime to his sovereign, by the present of a silver-stand, as high as the king's mouth, and as thick as his middle finger,



with a gold cup upon it, so large as to contain what he could take off at one draught, and as thick as the nail of a country fellow who had worked at the plough seven years. If the offender was not able to make such a present, *virilia membra amittat*.

Sir Edward Coke states this offence as a felony at the common law, which had a punishment, "under such a condition as no other "felony had the like." The criminal was adjudged *amittere oculos, quibus virginem concupivit; amittere etiam testiculos, qui calorem stupri induxerunt*.

In the ancient law of England, exclusive of the punishment inflicted on the criminal, his horse, greyhound, and hawk, were also subjected to great corporal infamy. But the woman who was the sufferer, might prevent all the penalties, if, before judgment, she demanded the offender for her husband. The Roman law was in the same spirit. "*Rapta raptoris, aut mortem, aut indotatas nuptias optet*;" upon which there arose what was thought a doubtful case, "*Una nocte quidam duas rapuit, altera mortem optat, altera nuptias.*"

#### Note XVIII. Chap. IV. Sect. XVII.

##### UNCERTAINTY IN THE EXTERNAL SIGNS OF RAPE.

I Have been favoured by Mr. Ward, one of the surgeons to the Manchester Infirmary, with the following particulars of the case, to which this note refers.



“ Jane Hampson, aged four, was admitted an out-patient of the Infirmary, February 11th, 1791. The female organs were highly inflamed, sore and painful; and it was stated by the mother, that the child was as well as usual till the preceding day, when she complained of pain in making water. This induced the mother to examine the parts affected, when she was surprised to find the appearances above described. The child had slept, two or three nights, in the same bed with a boy, fourteen years old; and had complained that morning of having been hurt by him very much in the night.

“ Leeches, and other external applications, together with appropriate internal remedies, were prescribed: but the debility increased, and on the 20th of February the child died. The coroner's inquest was taken, previously to which the body was inspected, and the abdominal and thoracic *viscera* were found to have been free from disease. The circumstances above related having been proved to the satisfaction of the jury, and being corroborated by the opinion I gave, that the child's death was occasioned by external violence, a verdict of murder was returned against the boy with whom she had slept. A warrant was therefore issued to apprehend him; but he had absconded, a circumstance which was considered as a confirmation of his guilt, when added to the circumstantial evidence alleged against him.

“ Not many weeks had elapsed, however, before several similar cases occurred, in which there was no

reason to suspect that external violence had been offered; and some in which it was absolutely certain that no such injury could have taken place. A few of the patients died; though from the novelty and fatal tendency of the disease, more than common attention was paid to them. I was then convinced that I had been mistaken, in attributing Jane Hampson's death to external violence; and I informed the coroner of the reasons which produced this change of opinion. The testimony I gave was designally made public; and the friends of the boy hearing of it, prevailed upon him to surrender himself.

“ When he was called to the bar at Lancaster, the judge informed the jury, that the evidence adduced was not sufficient to convict him; that it would give rise to much indelicate discussion, if they proceeded on the trial; and that he hoped, therefore, they would acquit him without calling any witnesses. With this request the jury immediately complied.

“ The preceding narrative may teach the young surgeon to act with great circumspection, when called upon to give an opinion in cases which are involved in any degree of obscurity. It behoves him to consider well the important duty he has to discharge, both to an individual and to the community: and that he makes himself responsible for the consequences which may result from the influence of his judgment on the minds of the jury.”

*Note XIX. Cap. IV. Sect. XVIII.*

## THE SMOKE FROM LARGE WORKS, A NUISANCE.

THE smoke issuing from large works, without any essential or other poisonous impregnation, may prove a great annoyance to the neighbourhood in which they are situated: and the proprietors should be compelled, by law, to diminish this evil, as much as possible, by the adoption of the improved methods of burning fuel, which have been lately invented. But it may be doubted whether the sooty matter, sublimed by the combustion of pit-coal, be so injurious, as is commonly supposed, to the animal œconomy, unless it should subsist in the atmosphere in a very extraordinary degree of accumulation. The inhabitants of Coalbrook-Dale, who live in a narrow valley, where the air is almost constantly loaded with vapours from numerous furnaces, employed in the smelting of iron, are not, as I have been informed, peculiarly subject to pulmonary affections. And the people of Birmingham, Sheffield, Newcastle, and Manchester, towns which are often enveloped in smoke, from the nature of their respective manufactures, seem to suffer no abridgment in the general duration of life, as it subsists in crowded places, which can be ascribed exclusively to this cause. Hoffmann maintains, that the fumes of pit-coal are not injurious to health, in the

ordinary modes of exposure to them: and Caspar Neumann confirms this testimony, by his experience and observation during a long residence in London.\*

In mentioning Coalbrook-Dale, I might have stated the following fact, as corroborating the observation above advanced. A few years ago, a lady, accompanied by her husband, undertook a journey for the recovery of health, after a severe attack of asthma, to which she was often incident. The route lay through Coalbrook-Dale; and they arrived there on Sunday evening, about eight o'clock; when all the fires were fresh lighted for working the furnaces. A thick smoke pervaded the whole valley; and the gentleman was alarmed with the danger, which his wife incurred, of suffocation. But, to his surprise and satisfaction, she experienced no difficulty of breathing; and passed the night, inhaling the gross vapours with which she was surrounded, without present inconvenience or subsequent injury. May it be supposed that the sooty matter undergoes a decomposition in the lungs, by which it becomes capable of absorption, and innoxious to the animal œconomy? For the accumulation of it, as a solid substance, in the bronchial vesicles, could hardly fail to occasion immediate and permanent evils. It will, however, be alleged, that travellers breathe whole days in dusty roads, and yet experience no lasting bad effects. The case of masons, who are sometimes incident to

\* See Neumann's Chemical Works, by Lewis, page 246, 4to.



hæmoptoe and pulmonary consumption, is widely different, as the particles, which they draw in by respiration, are large and angular.

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Conceiving it to be of importance to obtain full and precise information, relative to the effects of smoke in Coalbrook-Dale, I wrote on this subject to Mr. Edwards, an eminent surgeon who is settled there, from whom I have been favoured with the following judicious answer:

“ I have never observed that asthmas, and other  
“ pulmonic affections, are more frequent in the Dale  
“ than elsewhere, but rather the contrary; as I  
“ have been told, that the smoke of London agrees  
“ better with some asthmatic persons, than the keen  
“ country air. Old colliers, indeed, and such as  
“ work in iron, stone-mines, and lime-rocks, are very  
“ subject, in the decline of life, to coughs and shortness  
“ of breath, especially hard drinkers; but in other  
“ respects the inhabitants are remarkably healthy,  
“ and the principal part of the practice is surgery,  
“ the smoke arising from coal and iron not being so  
“ prejudicial as from the copper-works in Cornwall  
“ and other parts. Such colliers and miners as are  
“ troubled with coughs, &c. always ascribe it to the  
“ dust arising in getting the coal or mineral, and from  
“ the smoke in the burning of lime, for which they  
“ take frequent emetics and purges.”

*Coalbrook-Dale, June 18, 1803.*



*Note XX. Page 117.*DISCOURSE ON HOSPITAL DUTIES; BY THE  
REV. THO. B. PERCIVAL, LL. B.

THIS Anniversary Discourse was addressed to the gentlemen of the faculty, the officers, the clergy, and the trustees of the Infirmary at Liverpool, for the benefit of the charity; and I believe was highly approved by the judicious audience, before whom it was delivered. As the preacher assumed topics of exhortation, not before adopted by divines on such occasions, it may be proper to state, that he was peculiarly qualified, from his knowledge of the polity of hospitals, to execute with ability so delicate and so arduous a task. After passing several years at St. John's College in Cambridge, in the pursuits of general science, he removed to Edinburgh to engage in the study of physic. But notwithstanding his acquisitions in the HEALING ART, to which he applied himself with great assiduity, he uniformly discovered a predilection for THEOLOGY. It became expedient, therefore, not to oppose the strong direction of his mind. He returned to Cambridge; and when he had taken the degree of LL. B. was admitted into holy orders. Being appointed to the chaplaincy of the British company of merchants at St. Peters-

burgh, he removed thither; and executed the duties of that honourable and important station with exemplary fidelity, and with the general approbation of the factory. In this office he died, after a lingering and painful illness, on the 27th of May, 1798, in the thirty-second year of his age.

*Note XXI. Page 128.*

THE SALUTARY CONNECTIONS OF SICKNESS ARE NOT TO BE RASHLY DISSOLVED, BY REMOVING INTO AN HOSPITAL THOSE WHO MAY, WITH A LITTLE AID, ENJOY IN THEIR OWN HOMES BENEFITS AND CONSOLATIONS WHICH ELSEWHERE IT IS IN THE POWER OF NO ONE TO CONFER.

THE domestic benefits of sickness to the sufferer, and to his family, in fostering the tender attachments of affinity ;—" the charities of father, son, and brother," are thus eloquently displayed by a late excellent divine.

" *Christian*, when, in the season of *sickness*, you saw the solicitude of your friends : the assiduity, perhaps, of a pious offspring to repay your care of them, in doing for you what now you could do no longer for yourself; when you observed their

“ anxiety, if any human care or intercession could  
“ avail to snatch you from the impending danger:  
“ when you saw them sacrificing ease, and rest, and  
“ health, to administer to your deliverance and com-  
“ fort, holding nothing dear to them, that if the will  
“ of God were such, they might by any means re-  
“ store you and retain you: when you saw their zea-  
“ lous care to do *all* to which their power extended;  
“ and their heartfelt anguish as to that which their  
“ power could not reach: when in their countenances  
“ you perceived the alternate marks of hope and ap-  
“ prehension, of comfort and distress: while you saw  
“ *all* this, while you experienced the benefits and the  
“ consolations of their friendship, were your hearts  
“ *so hard*, that such powerful attachment, and such  
“ zealous service, could draw forth from you no more  
“ than the *ordinary* current of affection? No, Christ-  
“ ian, surely that could not be. In such a situation,  
“ the lightest expressions of sincere friendship, come  
“ *full* upon the heart to a warmer welcome, and with  
“ more than ordinary weight. When we are about  
“ to lose our blessings, it is then, perhaps, that we  
“ first see them in their true importance. It is the  
“ same when it seems to us that we are about to  
“ *leave* them. The last conversation, the last kind  
“ offices, the last mutual interchange of tender words,  
“ and silent looks; that last scene, my friends, will  
“ agitate the inmost heart, and set open all the springs  
“ of sympathy and benevolence. While that last  
“ scene is drawing nigh, and as long, also, as the

“ impression of it remains in memory, every thing  
“ partakes of its tender influences. While the heart  
“ is thus mollified, by the united power of sharp af-  
“ fliction and solemn expectation, every kindness,  
“ every condolence, every good wish, every even the  
“ lightest token of benevolent attention, sinks deep  
“ into it. The merit of friends puts on an unusual  
“ amiableness, and every thing we love is inexpressibly  
“ endeared to us. Christians, have you ever felt  
“ these sentiments? If you have, you cannot wil-  
“ lingly abandon them; for as surely as you have felt  
“ them, you approve them. You would have loved  
“ yourselves the better, if in all time past *these* had  
“ on all occasions been the abiding sentiments of your  
“ hearts. The man who is as sensible as he ought  
“ to be, and by a very little measure of reflection  
“ might be, of what mighty use may be made of such  
“ circumstances, and their influences, to give plea-  
“ santness, acceptableness, and accuracy to his social  
“ duties, not only within the more contracted circle  
“ of his family and friends, but also in the wider  
“ range of his benevolent affections, will often be  
“ retracing these circumstances, and their influences  
“ in his mind and heart, that he may avail himself of  
“ them in the services that he owes to the universal  
“ family of God, and in the improvement of his own  
“ soul, to a resemblance of the universal Parent. In  
“ such cases he will be the more assiduous, if he will  
“ permit himself to think, that the heart which has  
“ once been exposed to such powerfully humanizing



“ and attending influences, if it is not much the  
“ better, must of necessity become much the worse  
“ for them.”\*

*Note XXII. Page 133.*

DUTY OF HOSPITAL TRUSTEES IN ELECTING  
THE MEDICAL OFFICERS OF THE CHARITY.

ON the 17th of March, 1798, the governors of the Salisbury Infirmary published the following judicious advertisement, concerning the nomination of a physician to the charity :

“ Whereas it is the common practice to solicit  
“ votes on a vacancy of the offices of physician, sur-  
“ geon, apothecary, secretary, &c. and as many and  
“ great inconveniencies have frequently arisen from a  
“ too hasty compliance with such solicitations, to the  
“ exclusion of the most worthy candidates, and the  
“ permanent detriment of the charity; and as such  
“ inconsiderate promises may render even the most  
“ judicious statutes and prudential rules of any society  
“ ineffectual; it is hoped that every governor of this  
“ charitable institution will, on all such occasions,

\* See Life of the Rev. Newcome Cappe, prefixed to his posthumous works, published by Mrs. C. Cappe, in 2 vols. 8vo. page 48.



“ keep himself entirely disengaged till the day of election; and then, after a due examination into the real merits of the candidates, give his vote according to what he apprehends most beneficial to that charity, of which he is the guardian as well as the benefactor. The reasonableness of not promising votes will be further evident, when it is considered that such promises, previous to the day of election, prevent perhaps him who is the best qualified from appearing as a candidate, well knowing it would be impossible for him to succeed.”

The following Memorial was presented, several years ago, to the trustees of the Manchester Infirmary; and the rule, recommended in it, has been ever since adopted.

“ The medical committee, having been invited to lay before you their opinion concerning the qualifications requisite in your apothecary and house-surgeon, are naturally induced to extend their attention to the more important office, with which the physicians to these charities are invested. And they are persuaded you will feel, with them, an earnest solicitude that the vacancies, which now subsist, may hereafter be filled by men of approved respectability, and liberal education.

“ By the established usage of the hospital, it is required, that every candidate for the office of physician shall produce his DIPLOMA, for the inspection of the trustees; together with satisfactory attestations of his moral character, and professional endowments. In ad-

dition to these credentials, they conceive it to be highly expedient that he should deliver an extract from the register of the university of which he was a member, specifying the several branches of science which he has cultivated, and the period of his collegiate residence. Such a testimonial may always be claimed, and is generally in the possession of physicians who have been regularly educated. No candidate, therefore, who does not produce it, should be deemed eligible: for he thus tacitly acknowledges, that he has not enjoyed the requisite advantages of academical instruction; nor received his degree as the reward of legitimate examination, either during the course, or after the completion of his academical studies.

“ No candidate having yet offered, nor any one being known to have the design of offering himself for either of the present medical vacancies in the hospital, the considerations they now take the liberty of suggesting to your serious attention, cannot even be suspected of personal reference, or invidious allusion. And they are conscious, on this occasion, of being actuated by a sincere desire to promote the best and most permanent interests of the institutions, with which, by your suffrages, they have the honour to be connected.”

This memorial, under the form of a letter, having been presented to the trustees of the Manchester Infirmary, produced the two following resolutions :

1. The trustees are fully sensible of the importance of the considerations, which the physicians have

stated to them in the above letter; and feel an earnest solicitude that the present and all future vacancies in the medical departments of the hospital should be filled by men of liberal education, good moral character, and respectable professional endowments.

2. It was moved, seconded, and resolved unanimously, that it be recommended to every succeeding board, to send a copy of the preceding letter to every gentleman, who may offer himself a candidate for the office of physician to these charities.

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*FINIS.*



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Richard Cruttwell, Printer, St. James's Street, Bath.























TIGHT

GUTTERS



ERRATIC

PAGINATION

